

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**DIGI PORTAL LLC,**

Plaintiff,

v.

**ALBERTSONS COMPANIES, INC.,**

Defendant.

C.A. NO. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**PATENT CASE**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Digi Portal LLC files this Original Complaint for Patent Infringement against Albertsons Companies, Inc., and would respectfully show the Court as follows:

**I. THE PARTIES**

1. Plaintiff Digi Portal LLC (“Digi Portal” or “Plaintiff”) is a Texas limited liability company with a place of business at 101 E. Park Blvd, Suite 600, Plano, Texas 75074.

2. On information and belief, Defendant Albertsons Companies, Inc. (“Defendant”) is a corporation organized and existing under the laws of Delaware, with a place of business at 250 Parkcenter Blvd., Boise, ID 83706. Defendant has a registered agent at Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

**II. JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction of such action under 28 U.S.C. §§ 1331 and 1338(a).

4. On information and belief, Defendant is subject to this Court’s specific and general personal jurisdiction, pursuant to due process and the Delaware Long-Arm Statute, due at least to its business in this forum, including at least a portion of the infringements alleged

herein. Furthermore, Defendant is subject to this Court's specific and general personal jurisdiction because Defendant is a Delaware corporation.

5. Without limitation, on information and belief, within this state, Defendant has used the patented inventions thereby committing, and continuing to commit, acts of patent infringement alleged herein. In addition, on information and belief, Defendant has derived revenues from its infringing acts occurring within Delaware. Further, on information and belief, Defendant is subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to persons or entities in Delaware. Further, on information and belief, Defendant is subject to the Court's personal jurisdiction at least due to its sale of products and/or services within Delaware. Defendant has committed such purposeful acts and/or transactions in Delaware such that it reasonably should know and expect that it could be haled into this Court as a consequence of such activity.

6. Venue is proper in this district under 28 U.S.C. § 1400(b). On information and belief, Defendant is a Delaware corporation and therefore resides only in Delaware. On information and belief, from and within this District Defendant has committed at least a portion of the infringements at issue in this case.

7. For these reasons, personal jurisdiction exists and venue is proper in this Court under 28 U.S.C. § 1400(b).

**III. COUNT I  
(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 8,352,854)**

8. Plaintiff incorporates the above paragraphs herein by reference.

9. On January 8, 2013, United States Patent No. 8,352,854 ("the '854 Patent") was duly and legally issued by the United States Patent and Trademark Office. The '854 Patent is

titled “Dynamic Page Generator.” The ‘854 patent is not subject to a terminal disclaimer and its term is extended under 35 U.S.C. 154(b) by 1270 days. (Ex. A). A true and correct copy of the ‘854 Patent is attached hereto as Exhibit A and incorporated herein by reference.

10. Digi Portal is the assignee of all right, title and interest in the ‘854 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the ‘854 Patent. Accordingly, Digi Portal possesses the exclusive right and standing to prosecute the present action for infringement of the ‘854 Patent by Defendant.

11. The application leading to the ‘854 patent is a continuation of U.S. application Ser. No. 11/656,636, filed Jan. 22, 2007, which is a continuation of U.S. application Ser. No. 09/393,718, filed Sep. 10, 1999, which is a continuation of U.S. application Ser. No. 08/873,975, filed Jun. 12, 1997. (Ex. A at cover). The ‘854 patent was first assigned to Yahoo! Inc. (*Id.*).

12. The invention in the ‘854 Patent relates to the field of customized information presentation on the web; more specifically, providing customized pages that are quickly served and scalable to handle many users simultaneously. (*Id.* at col. 1:26-30).

13. Web servers for serving static web pages were well known in the global Internet. (*Id.* at col. 1:31-32). Such static web pages are useful in many applications whether the information presented to each requesting user is the same. (*Id.* at col. 1:32-34). However, some applications require customization to appeal to users. (*Id.* at col. 1:34-35). One example is presenting news to users. (*Id.* at col. 1:35-37). When static pages are used, a user will often have to scroll through many topics not of interest to that user to get to the information of interest. (*Id.* at col. 1:37-40). However, when presenting news to users, customized web pages present

news that is more relevant to the requesting user than static pages because the information is filtered according to each user's interest. (*Id.* at col. 1:35-37, 40-41).

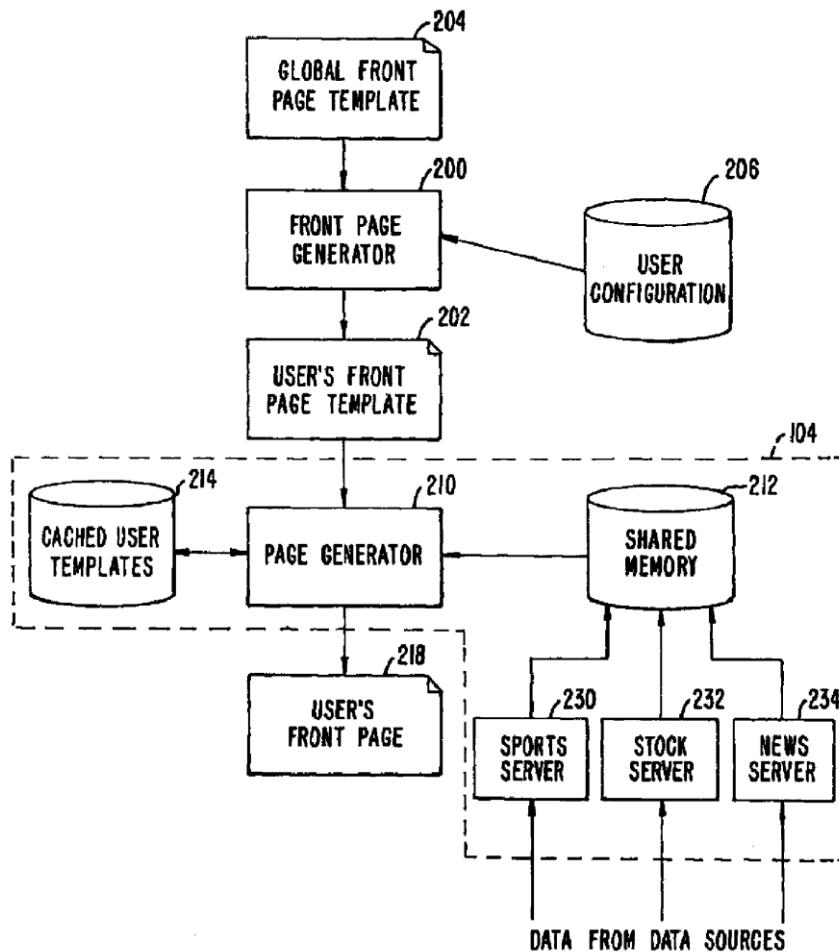
14. Customizing a server response based on the requester is known; however, known systems do not scale well. (*Id.* at col. 1:42-43). One method of serving custom pages is to execute a script, such as a Common Gateway Interface (CGI) script or other program to collect the information necessary to generate the custom page. (*Id.* at col. 1:43-47). For example, if the custom page is a news page containing stock quotes, sports scores and weather, the script might poll a quote server to obtain the quotes of interest, poll a sports score server to obtain the scores of interest and poll a weather server to obtain the weather. (*Id.* at col. 1:47-51). With this information, the server generates the custom page and returns it to the user. (*Id.* at col. 1:51-52). This approach is only useful where there are not many requesters and where the attendant delay associated with polling various servers to obtain the requested information is acceptable to users. (*Id.* at col. 1:53-54). Growing impatience with waiting will turn users away from such servers, especially as use increases. (*Id.* at col. 1:54-58).

15. One approach that was used in the prior art to avoid long waits is to transfer the custom information in non-real-time, so that the information is stored local to the user as it arrives and is presented to the user on request. (*Id.* at col. 1:59-62). A disadvantage of such a system is that the networks used by the user become clogged with data continually streaming to the user and require large amounts of local storage. (*Id.* at col. 1:62-65). Another disadvantage is that the locally stored information will become out of date as the server receives new data. (*Id.* at col. 1:65-67).

16. The inventors therefore recognized that there was a need to dynamically generate customized pages in an unconventional manner that solved the technical problems in the prior art

of long transfer times to obtain the requested information or having to rely on continually transferring custom information in non-real time which can clog the data network in addition to providing outdated information. (*Id.* at col. 1:42 to col. 2:2).

17. The following is a discussion of non-limiting examples of the claimed invention discussed in the specification of the '854 patent. The '854 patent provides a non-limiting exemplary diagram of the generation of a custom page for a user, using a front-page generator (200) and page server (104) (*Id.* at col. 3:58-60):



(Ex. A at Fig. 2). Front page generator (200) generates a user template (202) from a global front page template (204) and a user configuration record (206). (*Id.* at col. 3:58-62). A non-limiting example of a global front page template is provided in the '854 patent:

```

<html>
<head>
<title>My Yahoo! news summary for <!-- login --></title>
</head>
<body>

<center>
<!--banner:sum -->

<!-- ad -->
<!-- nav_bar --> 302
</center>

<table border=1 cellpadding=4 cellspacing=0 width=100%>
<tr><td align=center valign=top width="1%">
<!-- leftside:nsum --> 302

<p></td>
<td align=center valign=top width="100%">
<!-- mode_bar:"FRONT PAGE" -->
<!-- channel:nsum --> 302

</td></tr>
</table>

<center>
<table border=1 cellpadding=2 cellspacing=0 width=100%>
<!-- motd:motn.html -->
</table>
</center>
<!-- search -->

<!-- copyright:sum -->

</body>
</html>

```

204

(Ex. A at Fig. 3). The global user template (204) is an HTML (HyperText Markup Language) document with additional tags as placeholders for live data. (*Id.* at col. 5:16-19). Several place holders (302) are show in the code. (*Id.* at col. 5:19).

18. A user configuration record (206) is a record selected from user configuration database (116). (*Id.* at col. 3:63-64). User configuration information includes user demographic information, such as sex, age, location, stock quotes, favorite sports teams, news topics, etc. (*Id.* at col. 2:13-14, col. 5:45-50, col. 6:37-39, 46-48, 52-56). The user configuration information in the example may not change until the user changes his or her preferences. (*Id.* at col. 5:33-35).

19. The '854 patent provides an illustration of a user template (202) as might be generated from global user template (204) and a user configuration record (206):

202

```

<!-- timezone:-8,PT 0 -->
<!-- ad:M,85,95035,T,* 792 -->
<!-- portfolio:Quotes,pf_1,1,^DJI,^NYA,^IXIC,^SPX,^XAX,YHOO,NSCP,IOM,NSCP,YHOO
2836 -->
<!--
404 scoreboard:NCAAFSSC,NHLSAN,MLSSAN,NCAAFSSS,ALOAK,NBAGSW,NFLOAK,NCAAFCCD,NFLSFO
,NLSFO 3803 -->
<!-- weather:f,30901,uk_londo,94601,95101 4368 -->
<!--
mode_bar:"FRONT_PAGE",.hier=News+Summary%3aEdit&.done=http://my.yahoo.com/news
/summary2:3,rt,rw,z0000,mlb,re,vf 4597 -->
<!-- motd:us_motn.html 4696 -->
<html>
<head>
<title>My Yahoo! news summary for ash802</title>
</head>
<body>

...
</body>
</html>

```

(Ex. A at Fig. 4). The user template is unique because it is built based on user demographic information provided by the user, as opposed to generically chosen dynamic information or based on information provided by the server. Exemplary demographic information is shown in line 2 of Fig. 4 (“:M,85,95035,T,\*”) indicating that the user is a male, age 85, located in zip code 95035, etc. (*Id.* at col. 5:42-45). The ‘854 patent includes a full listing of the non-limiting exemplary user template of Fig. 4 in Appendix A. (Ex. A at col. 2:57-58; col. 5:22-23).

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 Listing of a User Template
 

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```

<!-- timezone: -8,PT 0 -->
<!-- ad:M,85,95035,T,* 792 -->
<!--
portfolio:Quotes,pf_1,1,^DJI,^NYA,^IXIC,^SPX,^XAX,YHOO,NSCP,IOM,NSCP,YHOO
2836 -->
<!--
scoreboard:NCAAFSSC,NHLSAN,MLSSAN,NCAAFSSS,ALOAK,NBAGSW,NFLOAK,NCAAFCCD,NF
LSFO,NLSFO 3803 -->
<!-- weather:f,30901,uk_londo,94601,95101 4368 -->
<!--
mode_bar:“FRONT_PAGE1”,hier=News+Summary%3aEdit&.done=http://my.yahoo.com/
news/summary.html?v=4538 -->
<!-- summary2:3,rt,tw,z0000,mlb,re,vf 4597 -->
<!-- motd:us_motn.html 4696 -->
<html>
<head>
<title>My Yahoo!news summary for ash802</title>
</head>
<body>

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<map name="top"><area shape=rect coords="0,0,45,66"
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href="/inetmet/directory.html?v"><area shape=rect coords="90,0,135,66"
href="/contacts/white_pages.html?v"><area shape=rect coords="135,0,346,66"
href="/?myHome"><area shape=rect coords="346,0,389,66"
href="/help/news/summary.html"><area shape=rect coords="389,0,431,66"
href="http://edit.my.yahoo.com/config/eval_profile"><area shape=rect
coords="431,0,477,66" href="http://edit.my.yahoo.com/config/tofly">
</map>
<center><a href="/bin/top_menu"></a></center>

<p>
<center><form action="http://search.my.yahoo.com/search/my"> <font
size="-2">[ <a
href="http://edit.my.yahoo.com/config/set_attr?attr=sloc&value=b&.done=htt
p://my.yahoo.com/news/summary.html?v">move to bottom</a> ] </font><input
size=25 name=p> <font size="-1">&nbsp; <input type=submit
value=Search><input type=hidden name=n value="25"> &nbsp; <a
href="http://search.my.yahoo.com/search/my/options">Options</a></font></fo
rm></center><p>
<center>
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color="#000000"><b>Sections:</b>&nbsp;&nbsp;</font></td>
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color="#000000"><b>Front&nbsp;Page</b></font></td>
<td>&nbsp;&nbsp;</td>
<td align=center><a href="/news/business/summary.html?v">Business</a></td>
<td>&nbsp;&nbsp;</td>
<td align=center><a
href="/news/portfolio_summary.html?v">Portfolios</a></td>
<td>&nbsp;&nbsp;</td>
<td align=center><a
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<td align=center><a href="/news/sports/summary.html?v">Sports</a></td>
<td>&nbsp;&nbsp;</td>
<td align=center><a
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</tr>
</table>
</center>
</center>
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<tr><td align=center valign=top width="1%">
<a
href="http://edit.my.yahoo.com/config/eval_left?mode=left_nsum&.done=http%
3a%2f%2fmy%2eyahoo%2ecom%2news%2fsummary%2ehml%3fv"></a>
<table border=0 cellpadding=1 cellspacing=0 width="100%">
<tr bgcolor="#dcdcdc"><td colspan=4 width="100%"><table border=0
cellpadding=2 cellspacing=0 width="100%"><tr><td width="100%"><b><font
size="+1">P<font size="+0">ORTFOLIOS</font></font></b></td></td></tr>

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align=right><a href="http://edit.my.yahoo.com/config/eval_quotes?.done=http://my.yahoo.com/news/summary.html?v"></a></td></tr></td></tr>
<tr><td align=center colspan=4><form method=get action="http://quote.yahoo.com/quotes"><font size="-1"><input type=text size=10 name=symbols><input type=submit value="Get Quotes"><br><font size="0">quotes delayed 20 minutes - <a href="/finDisclaimer.html">disclaimer</a><br>click on symbol for detailed quote + news<br><b>*</b> indicates new news during last 24hrs</font></form></td></tr></table>
<hr size=0><table border=0 cellpadding=1 cellspacing=0 width="100%">
<tr bgcolor="#dcdcdc"><td colspan=5 width="100%"><table border=0 cellpadding=2 cellspacing=0 width="100%"><tr><td width="100%"><a href="/sum/?http://sports.yahoo.com/"><b>*</b><font size="+1">S<font size="+0">COREBOARD</font></font></b></a></td><td align=right><a href="http://edit.my.yahoo9.com/config/set_sports?.done=http://my.yahoo.com/news/summary.html?y"></a></td></tr></table>
<hr size=0><table border=0 cellpadding=2 cellspacing=0 width="100%">
<tr bgcolor="#dcdcdc"><td colspan=3 width="100%"><table border=0 cellpadding=2 cellspacing=0 width="100%"><tr><td width="100%"><a href="/my/?http://weather.yahoo.com/"><b>*</b><font size="+1">W<font size="+0">EATHER</font></font></b></a></td><td align=right><a href="http://edit.my.yahoo.com/config/set_wnl?.done=http://my.yahoo.com/news/summary.html?v"></a></td></tr></table></td></tr>
<tr><td align=center colspan=3><font size=0>click on city for extended forecast</font></td></tr>
</table>
<hr size=0>
<p></td>
<td align=center valign=top width="100%">
<table border=1 cellpadding=2 cellspacing=0 width="100%">
</table>
</td></tr>
</table>
<center>
<table border=1 cellpadding=2 cellspacing=0 width="100%">
</table>
</center>
<p>
<hr>
<center>
<table border=0 cellpadding=0 cellspacing=0 width="100%">
<tr>
<td align=left valign=top><table border=0 cellpadding=0 cellspacing=0>
<tr><td align=left valign=bottom><a href="/my/?http://www.yahoo.com/"></a></td>
<td>&nbsp; &nbsp;</td>
<td align=left valign=bottom width="100%"><font size="-1"><i>Copyright &copy; 1994-1997 Yahoo! Inc. All rights reserved.</i><br>Portions copyright &copy; 1997 Reuters Ltd. All rights reserved.<br>Portions copyright &copy; 1997 SportsTicker Enterprises LP. All rights reserved.<br>
Portions copyright &copy; 1997 Weathernews Inc. All rights reserved.<br>
Portions copyright &copy; 1997 Business Wire. All rights reserved.<br>
Portions copyright &copy; 1997 PR Newswire. All rights reserved.<br>
Questions, comments, or suggestions? Send us <a href="http://my.yahoo.com/feedback.html">feedback</a>.</font></td>
</tr>
</table>
</td></tr>
<td align=right><a href="/bin/logout_menu"></a></td>
</tr>
</table>
</center>
<map name=logout>
<area coords="0,0,50,68" href="/my/?http://www.yahoo.com/">
<area coords="51,0,100,68">
href="http://edit.my.yahoo.com/config/login?logout=1">
</map>

</body>
</html>

```

(Ex. B at Col. 7-11).

20. As shown in Fig. 2 of the ‘854 patent, the user template does not need to be generated each time and instead can be generated and stored. (Ex. A at col. 4:49-51, col. 5:23-32). One benefit of the claimed invention that speeds up the operation of the dynamic page generation is that the page can be stored in multiple locations that are based on the frequency by which the user requests the customized page based on the user template. (*Id.* at col. 5:37-38, col. 6:49-59). Some users might choose to access their user page infrequently, while others might choose to access their front page hourly. (*Id.* at col. 6: 52-54). For infrequent users, the user template is stored in a user configuration database, whereas for frequent users the user template may also be stored in cache. (*Id.* at col. 5:37-38, col. 6:51-59). Caching reduces the time to respond to a request for a page and is more effective where the typical user makes several requests in a short time span and then doesn’t make any requests for a long period of time. (*Id.* at col. 5:29-32).

21. When the user template stored in cache, it may be stored long enough to be reused and may also be flushed from cache if the user page has been inactive for several days. (*Id.* at col. 6:49-52, 59-60). Even if it is flushed from cache, the user template can be maintained in the user configuration database, which can then be quickly accessed and stored in cache in the event a user may start to access the user page quickly. (*Id.*).

22. The custom user page can also include an advertisement that is selected based on the user demographic information. (*Id.* at col. 5:39-42). For example, using the demographic information “:M,85,95035,T,\*”, an advertisement can be selected that is targeted for a male user, age 85, located in zip code 95035, etc. (*Id.* at col. 5:39-45).

23. Appendix B of the ‘854 patent is an HTML source code listing of an HTML page created from an executed user template that is used to generate a user customized browser web page. (Ex. B at col. 11 – col. 19).

24. As explained the ‘854 patent and prosecution history, there are unconventional and non-generic features of the claimed invention which are technical improvements that make the generation of dynamic web pages quicker, more efficient, and use less resources. By storing the user customized template program in two locations in which the location is determined by frequency, the system is more efficient and allows for a quicker response than the prior art. For example, by storing the user customized template in user configuration database and in cache, the dynamic generation of a user customized web page is more efficient and uses less resources of the server, database, and network, and allows for a quicker generation of the dynamic web page thereby allowing the server to scale in order to handle substantially more requests for user customized dynamic web pages. (*See* Ex. A at col. 1:42-67, col. 4:49-col. 5:15, col. 5:23-32). Furthermore, by caching the user template, the page can be generated entirely within a page server, thus conserving network and database resources. (*See id.* at col. 4:10-11, col. 5:23-32). By also storing the user customized template in a user configuration database, even if the cache is cleared, the template already exists in the database which then prevents having to regenerate a new user customized page from a global page template using a user configuration record thus saving database and server resources and more quickly generating the requested web page from

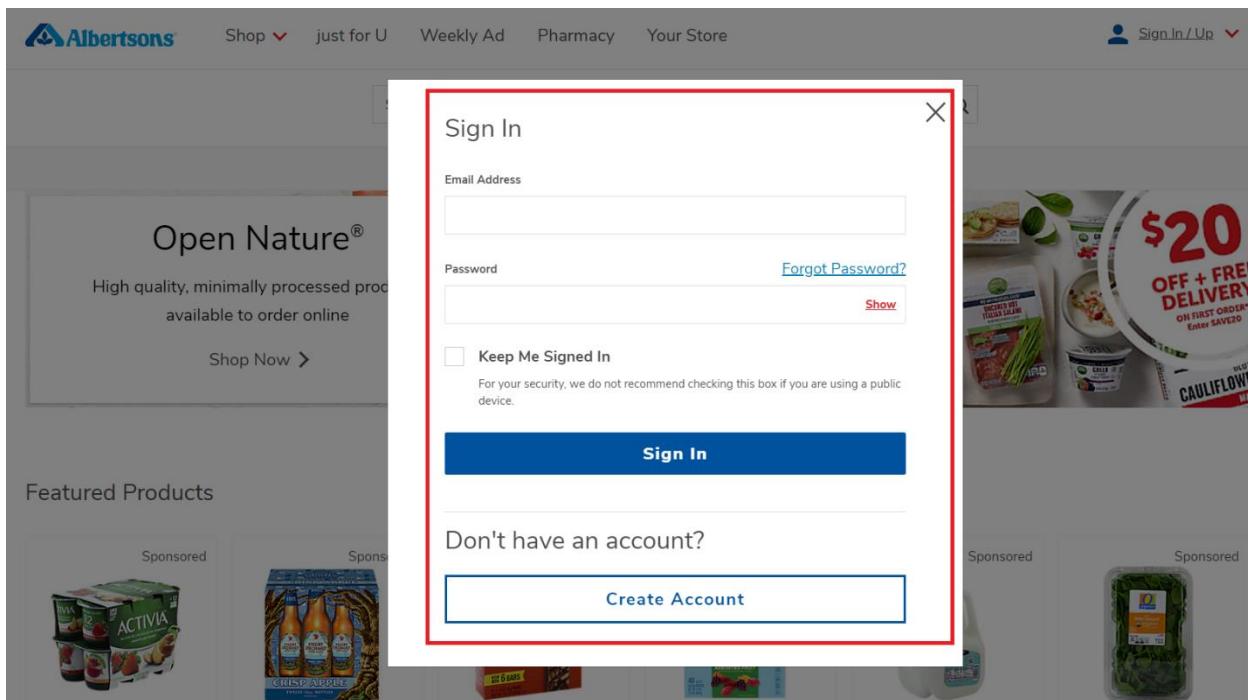
the user customized template. (E.g., *id.* at col. 3:37-39, col. 4:1-11, 49-62). The storage of a user customized template program in at least two locations and the location determined from the frequency of the user request for the customized page was an unconventional and non-generic method for storing such templates and was not disclosed in the prior art. (Ex. C (Oct. 28, 2010 Resp. to Office Action) at 9).

25. Furthermore, the invention provides for more personalized web pages because the user provides user configuration information on which the user customized template is generated. (Ex. C (Oct. 28, 2010 Resp. to Office Action) at 9; Ex. D (Apr. 18, 2011 Resp. to Office Action) at 6). This was an unconventional way for generating a user customized template unique to the user that was not found in the prior art. (Ex. D (Apr. 18, 2011 Resp. to Office Action) at 6).

26. The patents related to the '854 patent and sharing the same specification were cited during the prosecution history of over 700 patents, including patents and applications owned by companies including Google, Inc., Microsoft Corporation, Amazon Technologies, Inc., Facebook, Inc., Ebay, Inc., Salesforce.com, Inc., IBM Corporation, Oracle International Corporation, Comcast Cable Communications, LLC, SAP AG, Citrix Systems, Inc., BEA Systems, Inc., Sprint Communications Company L.P., Siemens AG, AT&T Intellectual Property I, L.P., Hewlett-Packard Development Company, L.P., Fujitsu Limited, AOL LLC, General Electric Company, Accenture LLP, Adobe Systems Inc., Sony Computer Entertainment Inc., and Akamai Technologies, Inc. (See

27. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claims 1-2, 8-9, and 15 of the ‘854 patent in Delaware, and elsewhere in the United States, by performing the claimed method, using the claimed computer-readable non-transitory medium storing computer instructions, and/or making and/or using the claimed system at <https://www.albertsons.com/> (“Accused Instrumentality”).

28. The Accused Instrumentality performs the step of receiving a user request for a customized page. For example, Albertsons.com receives a user request for a user customized page:



(E.g., <https://www.albertsons.com/>).

29. The Accused Instrumentality performs the step of receiving a template program (e.g., software instructions and data used for rendering a particular user’s Albertsons.com page such as a JavaScript page) that is unique to the user and based on user configuration information (e.g., JavaScript pages will be specific to a user because the content can be modified by and/or customized for a user). The user configuration information is supplied by the user (e.g., a user

defines the information the user's template will display by inputting information such as the user's location; a user can customize the content of their templates and what will be rendered and displayed using the templates by entering information such as the user's location) and used to build the template program that is unique to the user (e.g., user profile and user configuration information is used to modify templates, create instructions, and designate appropriate data retrieval for rendering the user's specific page).

```

document.cookie.replace(t,"$1"),getCookieAsJSON:function(e){var t=();try{t=JSON.parse(decodeURIComponent(this.getCookie(e)))}catch(a){}return t},writeCookieMi
encodeURIComponent(e)+"="+encodeURIComponent(t)+"&t;if(0!=i){var u=new Date;s+="; expires='"+new Date(u.getTime()+i).toGMTString()+"';path=/";o&&
(isNaN(parseInt(document.domain.replace('/./g,"")))?document.domain.split("-").slice(-2).join("."):document.domain),document.cookie="";setCookie:function(e,t,
i=1|365,o=||!0,s=1;this.writeCookieMillis(e,t,864e*1,s,o)},parseQueryString:function(e){var t=();if(e){for(e.split(",");i<1;i++)}{var
a=e[i].split("="),r=[e[i].substr(a[0].length+1);t[a[0]]:r]}return console.debug("analyticsSwy.utils.parseQueryString EXIT: params='"+t+"',t,"+t),setLocalStorageItem:fun
a=localStorage.getItem(analyticsSwy.CONSTS.TARGET_STORAGE);(a==?JSON.parse(a):{})[e]=t,localStorage.setItem(analyticsSwy.CONSTS.TARGET_STORAGE,JSON.stringify(a
{try{if(window.localStorage){var t=localStorage.getItem(analyticsSwy.CONSTS.TARGET_STORAGE);return t?({t=JSON.parse(t),e&&"string"==typeof e?this.safelyReadProp
(analyticsSwy.utils.setTargetError("getLocalStorageItem failed"))}:replaceAll:function(e,t,a){return e.replace(new RegExp(t,"g"),a)},replaceAt:function(e,t,a){e
.substring(0,t)+a+e.substring(t+e.length-1),replaceLast:function(e,t,a){var r=e.lastIndexOf(t);return this.replaceAt(e,r,a)},reformat:function(e){var t=this.re
";return encodeURIComponent(a.replace("%"," & ")),safelyReadProperty:function(e,t){var a,r=t||window;for(e="string"==typeof e==[]||[]){e.split("."),e,a:0;<e.length
if(!r[e[a]]:return"";if(r=[e[a]],a==e.length-1{return r||""},setTargetError:function(e){return window.location.pathname.substring(1).split("/")
[0]:e.match(/\.\.\./).toString().replace(/\.\./g,""))},analyticsSwy.storedData.SWY_SHARED_SESSION_INFO.getCookieAsJSON("SWY_SHARED_SESSION_IN
_INFO=analyticsSwy.utils.getCookieAsJSON("SWY_SHARED_PII_SESSION_INFO"),_satellite.logger.warn("ttMETA About to load. Document is"),_satellite.logger.warn(docu
succeeded",function(t){function e(){return e==undefined||null==||e.length<0?function a():return Object.keys(t).map(function(e){return e+""+t[e]}).join("")e[t]=t,e,{}:}return Object.keys(t).map(function(e){return t[e]}))if(window.ttMETA["undefined"]==typeof window.ttMETA[],0==window.ttMETA.length
=t.detail.responseTokens;if(e(n))return;var i=n;forEach(function(e,t,a){var r=e["activity.name"];if(r){for(var n=t+1;n<a.length;n++)r==a[n]["activity.name"]
{window.ttMETA.push({CampaignName:[{"activity.name":e["activity.name"],CampaignId:e["experience.id"],RecipeName:e["experience.name"],OfferId:e["option.
box"]]}))},document.addEventListener("at-request-failed",function(e){(console.log("Event",e)),document.addEventListener("at-content-rendering-failed",function(
{console.log("Event",e)}),analyticsSwy.utils.safelyReadProperty("info.COMMON.houseId"),analyticsSwy.storedData.SWY_SHARED_SESSION_INFO)}),"search": internalSe
{forceLowerCase:!0,cleanText:!0,modulePath:"data-layer-manager-search-discovery/src/lib/data_elements/context_aware_data_element.js",settings:{dataLayerPath:"$s
{forceLowerCase:!0,cleanText:!0,storageDuration:"session",modulePath:"data-layer-manager-search-discovery/src/lib/data_elements/context_aware_data_element.js",
{dataLayerPath:"cart.transaction.deliverywindow"},"page": thirdParty":{forceLowerCase:!0,cleanText:!0,modulePath:"data-layer-manager-search-discovery/src/lib/data_elements/
{dataLayerPath:"page.thirdParty"},"product": pfmDetail":{forceLowerCase:!0,cleanText:!0,modulePath:"data-layer-manager-search-discovery/src/lib/data_elements/c
{dataLayerPath:"productInfo.pfmDetail"},"target": user : orderCount":{modulePath:"core/src/lib/dataElements/customCode.js",settings:{source:function(){return
localStorage.getItem("abOrderCount")}}|analyticsSwy.utils.safelyReadProperty("info.SHOP.userData.orderCount",analyticsSwy.storedData.SWY_SHARED_SESSION_INFO)|0
{forceLowerCase:!0,storageDuration: "pageview",modulePath:"core/src/lib/dataElements/customCode.js",settings:{source:function(){return document.domain}}}, "cart:
discovery/src/lib/data_elements/context_aware_data_element.js",settings:{dataLayerPath:"cart.item.n.productID"},"pageFilter": premiumSlots":{forceLowerCase:!0,
discovery/src/lib/data_elements/context_aware_data_element.js",settings:{dataLayerPath:"page.pageFilter.premiumSlots"}}, "user": loginStatus":{defaultValue:
"not-available",forceLowerCase:!0,cleanText:!0,storageDuration:"pageview",modulePath:"data-layer-manager-search-discovery/src/lib/data_elements/context_aware_data_e
{subscription:null,dataLayerPath:"user.loginStatus"},"error": errorMessage":{defaultValue:"not-available",forceLowerCase:!0,cleanText:!0,modulePath:"data-layer
discovery/src/lib/data_elements/context_aware_data_element.js",settings:{dataLayerPath:"error.errorMessage"}}, "user": userType":{forceLowerCase:!0,cleanText:!0,
discovery/src/lib/data_elements/context_aware_data_element.js",settings:{dataLayerPath:"user.userType"}}, "target": user : j4u status":{modulePath:"core/src/lib
{source:function(){return""}}!=analyticsSwy.utils.safelyReadProperty("info.J4U.userType",analyticsSwy.storedData.SWY_SHARED_SESSION_INFO)?

```

(<https://assets.adobedtm.com/launch-ENd8a7ca47a5e943c9915bbea04a4d1b05.min.js> (for a

particular user)).

```

.xb==e.M.xb:f.url==e.url:!1);return e();b.Oi=1})(a.ng||(a.ng={}));(k||(k={}));(function(a){(function(b){var l=a.utils.addEventList
setUp=function(){function g(){return function(){a.log(g);c.init()}}var c=this;b="M254"
ded",b="M255");l(window,"load",b,"M256"));c.prototype.init=function(){if("loading"==document.readyState)a.log("M257");else if("unde
M258");var b=this,c=angular.module("ng");c.config(["$provide",function(a){b.Vk(a);b.Qk(a)}]);c.run(["$browser",function(a){b.Nk(a)}]);
$httpBackend,[ "$delegate",function(a){return a.f.around(a,function(){var a=Array.prototype.slice.call(arguments);e.V.T(b.k.Oe,a);retu
end"});c.prototype.Vk=function(c){var f=a.oop,e=this;c.decorator("$rootScope",["$delegate",
r(a.$digest,function(){e.V.T(b.k.af),"nevents.digest");a.$on("$locationChangeStart",function(a,c){var f=$url:c,g=a&a.hb&a.hb.$sta
xt:f});a.$on("$locationChangeSuccess",function(){e.V.T(b.k.v1)});a.$on("$routeChangeStart",function(a,c){var f=$url:location.href,g
neSuccess",function(){e.V.T(b.k.Lg)});a.$on("$stateChangeStart",function(a,c){e.V.T(b.k.Zg,
stateChangeSuccess",function(){e.V.T(b.k.Sg)});a.$on("$viewContentLoaded",function(a){var c=$url:location.href;if(a=a&a.hb&a.hb.$st
ontentRequested",function(){e.V.T(b.k.Ek)});a.$on("$includeContentLoaded",function(){e.V.T(b.k.Dk)});return a]});c.prototype.Nk=funct
ngRequest=a.oop.before(c.$completeOutstandingRequest,function(){f.V.T(b.k.Se)});return c}();
.ng||(a.ng={}));(k||(k={}));(function(a){var b=a.ng||(a.ng={});b.conf.disabled||a.conf.spa||a.monitor.setUpMonitors(b.ngMonitor)})(k

```

(<https://cdn.appdynamics.com/adrum/adrum-latest.js> (for a particular user)).

30. The user configuration information supplied by the user to build the template program includes user demographic information (e.g., a user's profile information and/or

configuration information such as the user's location and other information). (E.g., <https://www.albertsonscompanies.com/about-us/our-policies/privacy-policy.html>).

31. The template program is received from one of at least two locations (e.g., the data and templates comprising a user's page may be retrieved from a main server/disk storage), the location determined from the frequency of the user request for the customized albertsons.com page (e.g., based on the frequency at which a user logs in or accesses their albertsons.com page, the data comprising the users page may be stored at a main server). On information and belief, the accused instrumentality uses the template program that is unique to the user which is generated using customization information unique to the user and a global template that is generic to a plurality of users. On information and belief, template information that is part of the template program is stored for less frequently accessed files in the main storage and for more frequently accessed files in local storage on the user's computer. On information and belief, running the template program (page generation code, tiles, containers, and user data) creates the customized webpage. When a user signs-up or performs a login, the code takes the user template information and stores it in a site JavaScript object that is used in logic to display various available grocery and other site logic-based conditions. The user information is stored in multiple locations, which can include, (1) at runtime, in a Javascript object with the data structure called ContextData; (2) within browser local storage; and (3) browser cookies. The JavaScript code shown below from the front-facing publicly available code, demonstrates that the sign-in is handled via JavaScript. The actual JS file is served from a CDN.

(<https://assets.adobedtm.com/launch-END8a7ca47a5e943c9915bbea04a4d1b05.min.js>) (for a

particular user)).

(<https://cdn.appdynamics.com/adrum/adrum-latest.js> (for a particular user)).

```
(isNaN(parseInt(document.domain.replace(/\./g,"")))?document.domain.split(".").slice(-2).join("."):dc
i=a||365,o=n||!0,s=r||!1;this.writeCookieMillis(e,t,864e5*i,s,o}),parseQueryString:function(e){var t=
=e[i].split("="),r=e[i].substr(a[0].length+1);t[a[0]]=r}return console.debug("analyticsSwy.utils.par
=localStorage.getItem(analyticsSwy.CONSTS.TARGET_STORAGE);(a=a?JSON.parse(a):{})[e]=t,localStorage.s
[try{if(window.localStorage){var t=localStorage.getItem(analyticsSwy.CONSTS.TARGET_STORAGE);return t?
[analyticsSwy.utils.setTargetError("getLocalStorageItem failed")]},replaceAll:function(e,t,a){return
=e.substring(0,t)+a+e.substring(t+a.length)},replaceLast:function(e,t,a){var r=e.lastIndexOf(t);return
');return encodeURIComponent(a.replace("&"," &"))},safelyReadProperty:function(e,t){var a,r=t||windo
[if(!r[e[a]])return"";if(r=r[e[a]],a==e.length-1) return r||""},setTargetError:function(e){analytics
window.location.pathname.substring(1).split("/")}
```

(<https://assets.adobedtm.com/launch-END8a7ca47a5e943c9915bbea04a4d1b05.min.js>) (for a

particular user)).

```
),@a(Jb,n,b,x),z) return x; (q=c.event&&n.globalData)&&@==c.active++&&c.event.trigger("ajaxStart");n.type=n.type.toUpperCase();lessData&&@===(n.contentType||"").indexOf("application/x-www-form-urlencoded")&&(n.data=n.data.replace(gc,"+")):(r=n.url.slice(0,cache&&G=G.replace(ic,"$1"),r=(rb.test(G)?"\x26":"?")+"_\x3d"+Hb+++r),n.url=G+d&&(c.lastModified[G]&&x.setRequestHeader("If-Modified-Since",c.lastModified[G]),c.etag[G]&&x.setRequestHeader("If-None-Match",Content-Range!"1==n.contentType||b.contentType)&&x.setRequestHeader("Content-Type",n.contentType);x.setRequestHeader("Accept",rypes[0]?", "+Kb+"; q\x3d0.01,"":n.accepts["*"]);for(l in n.headers)x.setRequestHeader(l,n.headers[l]);if(n.beforeSend&&(!n.x.abort());if(s="abort",P.add(n.complete),x.done(n.success),x.fail(n.error),f=Sa(nb,b,x)){if(x.readyState=1,q&&D.triggerIt(function(){x.abort("timeout")},n.timeout));try{var z=1;f.send(ra,d)}catch(qb){if(z)throw qb;d(-1,qb)}}else d(-1,"No Transaction"),getScript:function(a,b){return c.get(a,void 0,b,"script")}});c.each(["get","post"],function(a,b){c[b]=function(a,c){aisFunction(f)&&(h=hl|g,g=f,f=void 0),c.ajax(c.extend({url:a,type:b,dataType:h,data:a,success:g},c.isPlainObject(a)&&a))}type:"GET",dataType:"script",cache:!0,async:!1,global:!1,"throws":!0});c.fn.extend({wrapAll:function(a){var b;return this[0]),b=c(a,this[0].ownerDocument).eq(0).clone(!0),this[0].parentNode&&b.insertBefore(this[0]),b.map(function(){for(var a=t.end(this)),this),wrapInner:function(a){return c.isFunction(a)?this.each(function(b){c(this).wrapInner(a.call(this,b))}):this.append(a)}),wrap:function(a){var b=c.isFunction(a);return this.each(function(d){c(this).wrapAll(b?a.call(this,d):a)}),uriWith(this.childNodes)}),this)});c.expr.pseudos.hidden=function(a){return!c.expr.pseudos.visible(a)};visible=function(a){return!!(a.offsetWidth||a.offsetHeight||a.getClientRects().length)};c.ajaxSettings.xhr=function(){try{!4},hb=c.ajaxSettings.xhr();Jcors!=!hb&&"withCredentials" in hb;J.ajax=hb!=hb;c.ajaxTransport(function(a){var b,c;if(J.cors!=!hb&&hb.open(a.type,a.url,a.async,a.username,a.password),a.xhrFields)for(f in a.xhrFields)k[f]=a.xhrFields[f];a.mimeType&&Type&&k.overrideMimeType(a.mimeType);a.crossDomain||d["X-Requested-With"]||(d["X-Requested-With"]="XMLHttpRequest");for(f in k.onerror=k.onerror&&k.onabort=k.onabort&&k.onreadystatechange=null,"abort"==a?k.abort():"error"==a?"number"!=typeof k.status?g(0,"error"):g(k.error)||"text")||"string"!=typeof k.responseText?{binary:k.responseText},useHeaders()))};k.onload=b;=k.onerror=b("error");void 0!=k.onabort&&k.onreadystatechange=function(){4==k.readyState?"abort":try{k.send(a.hasContent&a.data||null)}catch(t){if(b)throw t;},abort:function(){b&&b()});c.ajaxPrefilter(function(javascript,application/javascript,application/ecmascript,application/x-ecmascript"},contents:{script:/\b(?:java|ecma)script\b/,"text":function(a){return c.globalEval(a,a)}},c.ajaxPrefilter("script",function(a){void 0==a.cache&&(a.cache=!1);a.main}{var b,d;return{send:function(f,g){b=c("|\x3dscript|\x3e").prop({charset:a.scriptCharset,src:a.url}).on("load error",d=fun
```

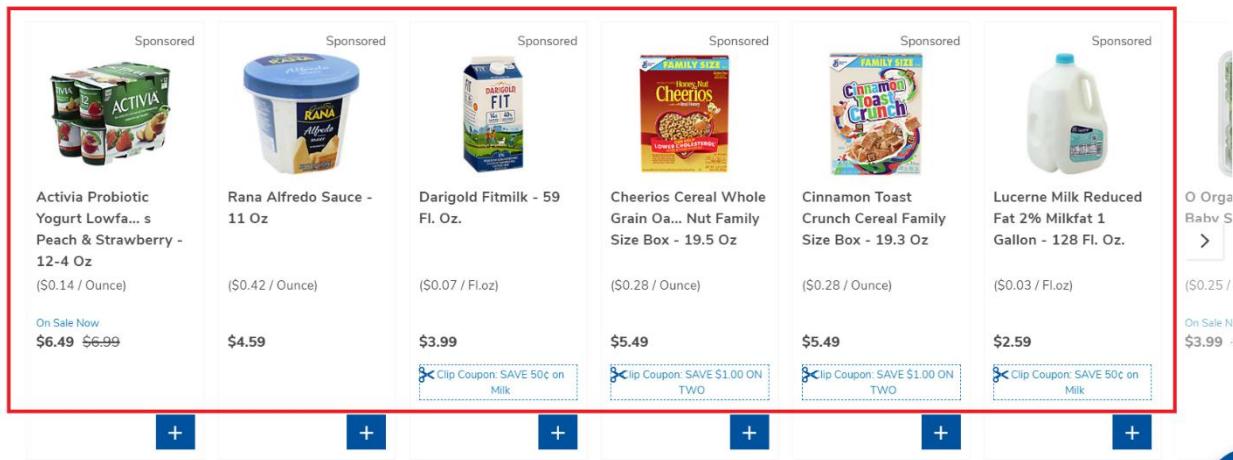
(<https://www.albertsons.com/etc.clientlibs/wcax-commons/clientlibs/clientlib->

[jquery.min.e46f6e63519cf03c5120b22559093d11.js](#) (for a particular user)).

32. The Accused Instrumentality performs the step of receiving an advertisement selected in accordance to the user demographic information (e.g., Albertsons.com provides advertisements to a user based on demographic information such as location, etc.). (E.g., <https://www.albertsonscorporation.com/about-us/our-policies/privacy-policy.html>). For example, the Accused Instrumentality has targeted advertising to users based on a user's geography and interest. (Id.).

33. The Accused Instrumentality performs the step of executing the template program (e.g., JavaScript templates) using the selected advertisement (e.g., an advertisement selected based on a user's demographic information) to generate the customized page (e.g., a user's albertsons.com page, with the advertisement integrated).

## Featured Products



(E.g., <https://www.albertsons.com/> (for a particular user)).

34. The Accused Instrumentality performs the step of providing the customized page to the user (e.g., a user's albertsons.com page with integrated advertisements).

(E.g., <https://www.albertsons.com/> (for a particular user)).

35. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates Plaintiff for such Defendant's infringement of the '854 patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

36. On information and belief, Defendant has had at least constructive notice of the '854 patent by operation of law, and there are no marking requirements that have not been complied with.

#### **IV. COUNT II (PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 5,983,227)**

37. Plaintiff incorporates the above paragraphs herein by reference.

38. On November 9, 1999, United States Patent No. 5,983,227 ("the '227 Patent") was duly and legally issued by the United States Patent and Trademark Office. The '227 Patent

is titled “Dynamic Page Generator.” A true and correct copy of the ‘227 Patent is attached hereto as Exhibit B and incorporated herein by reference.

39. Digi Portal is the assignee of all right, title and interest in the ‘227 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the ‘227 Patent. Accordingly, Digi Portal possesses the exclusive right and standing to prosecute the present action for infringement of the ‘227 Patent by Defendant.

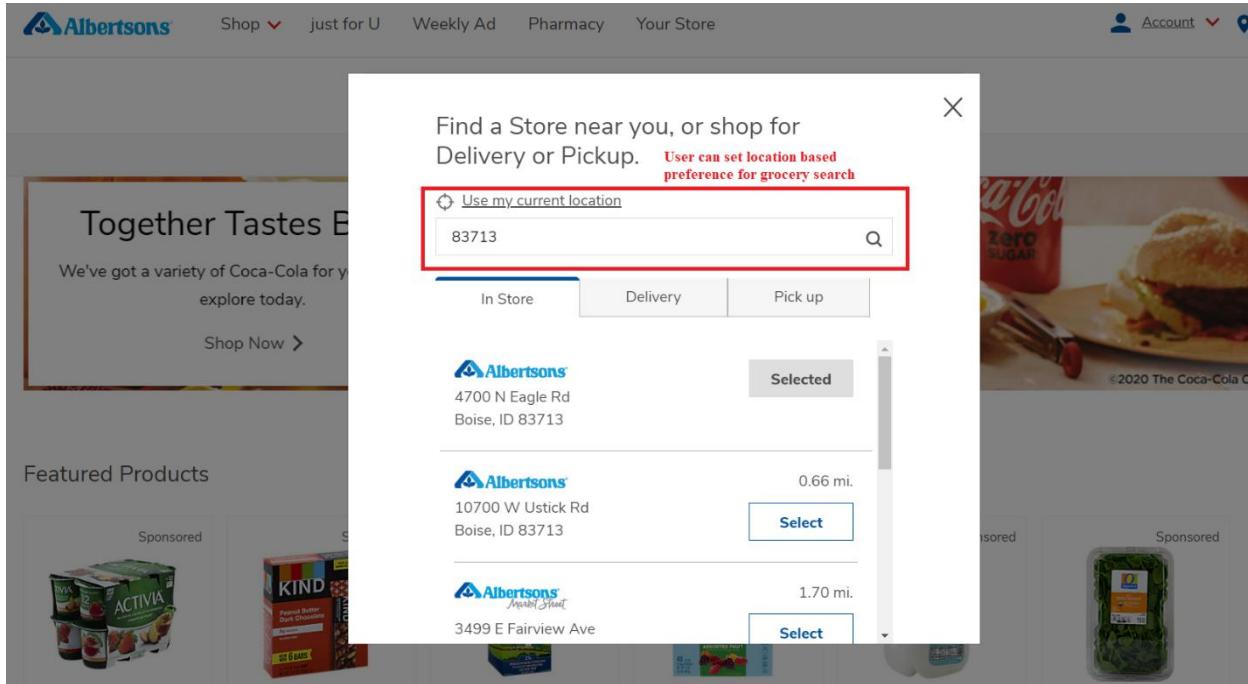
40. The application leading to the ‘227 patent was filed June 12, 1997. (Ex. B at cover). The ‘227 patent was first assigned to Yahoo! Inc. (*Id.*).

41. The invention in the ‘227 Patent relates to the field of customized information presentation on the web; more specifically, providing customized pages that are quickly served and scalable to handle many users simultaneously. (*Id.* at col. 1:14-18).

42. The ‘227 Patent shares the identical specification as the ‘854 patent and therefore Digi Portal incorporates the background and discussion of the invention in Paragraphs 13-25. Furthermore, as show in the prosecution history of the ‘227 Patent, it was unconventional to download real-time information into a server and use a template for the static data as opposed to linking directly to real-time information. (Ex. E at 5, Ex. F at 2).

43. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claim 2 of the ‘227 patent in Delaware, and elsewhere in the United States, by performing actions comprising using or performing the claimed method of providing real-time responses to user requests for customized pages, including without limitation through the method implemented of providing a user’s Albertsons.com page (“Accused Instrumentality”). (E.g., <https://www.albertsons.com/>).

44. The Accused Instrumentality performs the step of obtaining user preferences (e.g., location, categories, past purchase), wherein a user's user preferences indicate items of interest to that user. For example, users can customize their location on their albertsons.com page to locate items of interest to that user (e.g., preferences set by user for a grocery search):



(<https://www.albertsons.com/> (for a particular user)).

45. On information and belief, the Accused Instrumentality performs obtaining real-time information (e.g., currently available groceries obtained from various information sources such as a multitude of databases) from information sources (e.g., albertsons.com's servers/databases which store real-time grocery information) and storing the real-time information in a storage device (e.g., currently available groceries will be pulled from an information source and stored, at least temporarily, on the albertsons.com web/API server and/or a user's computer).

Albertsons

Search Products

Account

Shopping at 4700 N Eagle Rd [Change](#)

Aisles | Wine, Beer & Spirits | Beer

**Beer (654)**

Filters [Clear All](#)

Deals 

Department

[All Wine, Beer & Spirits](#)

**Beer (654)**

Domestic Beer (118)

Imported Beer (67)

Spiked Seltzers (57)

Craft Beer (309)

Flavored Malt Beverages (66)

Cider (30)

  
12oz 24 bottles

**Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz.**  
(\$0.12 / Fl.oz)  
On Sale Now  
\$32.99 ~~\$33.99~~

  
Sponsored

**Mikes Hard Beverage Cool Hard Refreshing Lemonade Bottle - 6-11.2 Fl. Oz.**  
(\$0.15 / Fl.oz)  
On Sale Now  
\$9.99 ~~\$10.49~~



**Bud Light Beer Cans - 30-12 Fl. Oz.**  
(\$0.07 / Fl.oz)  
On Sale Now  
\$23.99 ~~\$27.99~~



(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)).

```

<!-->
<div class="row gutters-10 grid-wrapper">
<!-->
<!-->
<!-->
<product-item class="col-12 col-sm-6 col-md-4">
<div class="product-grid product-item-960013589">
<!-->
<!-->
<!-->
<a tabindex="-1" id="pg960013589Img" aria-hidden="true" data-bpn="960013589" href="/shop/product-details.960013589.html">...</a>
<h3>
<a class="product-title" id="pg960013589" aria-hidden="false" data-bpn="960013589" href="/shop/product-details.960013589.html">
Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz. </a> = $0
</h3>
<!-->
<p class="product-qty">...</p>
<div class="product-promo-con">...</div>
<product-coupon>...</product-coupon>
<!-->
<quantity-stepper id="pg960013589-qty">...</quantity-stepper>
<!-->
<!-->
</div>
</product-item>
<!-->
<!-->
<!-->
<product-item class="col-12 col-sm-6 col-md-4">
<div class="product-grid product-item-189450506">
<!-->
<!-->
<!-->
<div class="elevate-sponsored">Sponsored</div>
<!-->
<a tabindex="-1" id="pg189450506Img" aria-hidden="true" data-bpn="189450506" href="/shop/product-details.189450506.html">...</a>
<h3>
<a class="product-title" id="pg189450506" aria-hidden="false" data-bpn="189450506" href="/shop/product-details.189450506.html">
Mikes Hard Beverage Cool Hard Refreshing Lemonade Bottle - 6-11.2 Fl. Oz. </a>
</h3>
<!-->
<p class="product-qty">...</p>
<div class="product-promo-con">...</div>
<product-coupon>...</product-coupon>
<!-->

```

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a

particular user)).

46. On information and belief, the Accused Instrumentality performs the combining the user preferences for the user (*e.g.*, user preferences include preferences tied to a user's account which are pulled upon user login and the search terms inputted by a user such as preferences set by user for grocery search) and a template (*e.g.*, generic template) to form a template program specific to the user (*e.g.*, following a user's login, a user specific template will be used to create customized pages for user that display user-specific information such as the user's name and search results). As shown below, albertsons.com uses a generic template to define how the webpage should generally be laid out and displayed.

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)).

47. As shown below, albertsons.com will then combine the template with customized data pulled based upon a user's search inputs and user login in order to create a template

program executable by a user's browser, so that the customized webpage can be displayed to the user.

The screenshot shows the Albertsons homepage. At the top, there is a navigation bar with links for 'Shop', 'just for U', 'Weekly Ad', 'Pharmacy', and 'Your Store'. A search bar is located above a promotional banner. The banner features a Coca-Cola advertisement with the text 'Together Tastes Better' and 'We've got a variety of Coca-Cola for you. Shop and explore today.' Below the banner, there is a section for 'Featured Products' with several items labeled as 'Sponsored'. On the right side, a vertical 'Account' menu is open, showing options like 'Orders', 'Rewards', 'My List', 'Account Settings', 'Payment Methods', 'Address Preferences', 'Communication Preferences', and 'Loyalty Partners'. The 'Account' link in the top right corner is also highlighted with a red box. A 'Hi Andy' greeting is displayed above the menu. A 'Questions?' button is located at the bottom right of the menu.

(<https://www.albertsons.com> (for a particular user)).

The screenshot shows a search results page for 'Beer' on the Albertsons website. The search bar at the top contains the query 'Beer (654)'. Below the search bar, there are category filters: 'Aisles', 'Wine, Beer & Spirits', and 'Beer', with 'Beer' highlighted with a red box. On the left, there is a 'Filters' sidebar with a 'Clear All' link and a 'Deals' checkbox. The main content area displays three product cards for 'Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz.', 'Mikes Hard Beverage Cool Hard Refreshing Lemonade Bottle - 6-11.2 Fl. Oz.', and 'Bud Light Beer Cans - 30-12 Fl. Oz.' Each product card includes a price comparison, 'On Sale Now' status, and a 'Sort (Best Match)' dropdown menu. A 'Questions?' button is located at the bottom right of the page.

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)).

```

▶<dynamic-grid-sort data-list-sort="bloomreach-best-match,price-low-high,most-popular" data-default-sort="bloomreach-best-match" id="dynamic-grid-sort_0" ng-version="7.2.14">...</dynamic-grid-sort>
▼<div class="product-level-4">
  ▼<div class="container-fluid d-inline-block">
    ▼<search-grid data-aisle-id="1_29_1" data-search-api="xapi" data-search-sponsored-products="true" data-default-sort="bloomreach-best-match" class="row" id="search-grid_0" ng-version="7.2.14" style="float: none;">
      <!-->
      <!-->
      <!-->
      ▼<div class="row gutters-10 grid-wrapper">
        <!-->
        <!-->
        <!-->
        ▼<product-item class="col-12 col-sm-6 col-md-4">
          ▼<div class="product-grid product-item-960013589">
            <!-->
            <!-->
            <!-->
            ▶<a tabindex="-1" id="pg960013589Img" aria-hidden="true" data-bpn="960013589" href="/shop/product-details.960013589.html">...</a>
            ▼<h3>
              <a class="product-title" id="pg960013589" aria-hidden="false" data-bpn="960013589" href="/shop/product-details.960013589.html">
                Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz. </a>
            </h3>
            <!-->
            ▶<p class="product-qty">...</p>
            ▶<div class="product-promo-con">...</div>
            ▶<product-coupon>...</product-coupon>
            <!-->
            ▶<quantity-stepper id="pg960013589-qty">...</quantity-stepper>
            <!-->
            <!-->
          </div>
        </product-item>
        <!-->
        <!-->
        <!-->
      ▼<product-item class="col-12 col-sm-6 col-md-4">
        ▼<div class="product-grid product-item-189450506">
          <!-->
          <!-->
          <!-->
          ▶<div class="elevate-sponsored">Sponsored</div>
          <!-->
          ▶<a tabindex="-1" id="pg189450506Img" aria-hidden="true" data-bpn="189450506" href="/shop/product-details.189450506.html">...</a>
          ▼<h3>

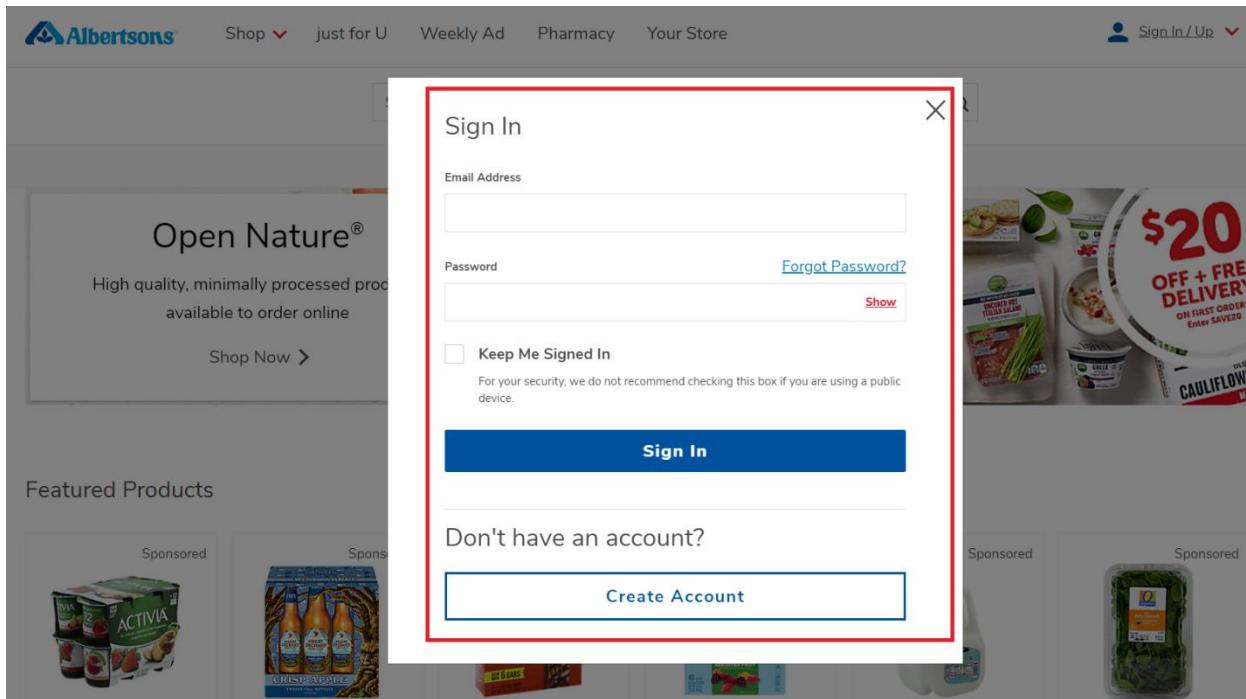
```

Content obtained from  
information sources,  
combined within the  
template

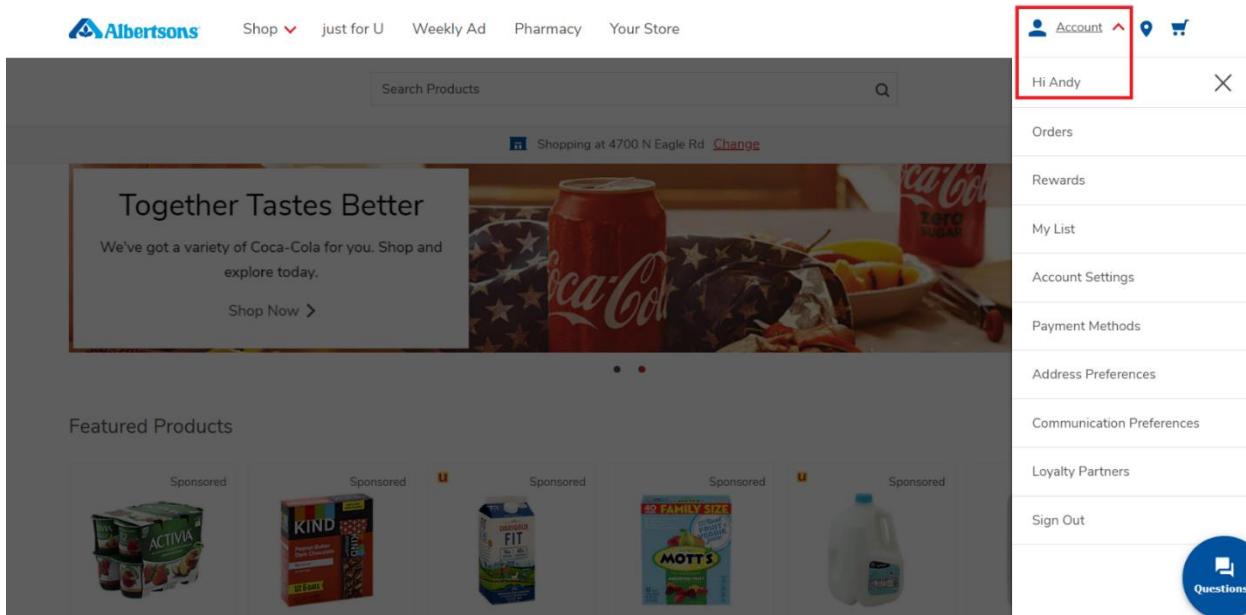
(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)).

On information and belief, the Accused Instrumentality performs the step of receiving from a user and at the server, a user request for a customized page (*e.g.*, a user will request a customized page by logging in and by inputting search parameters; this request will be received at the

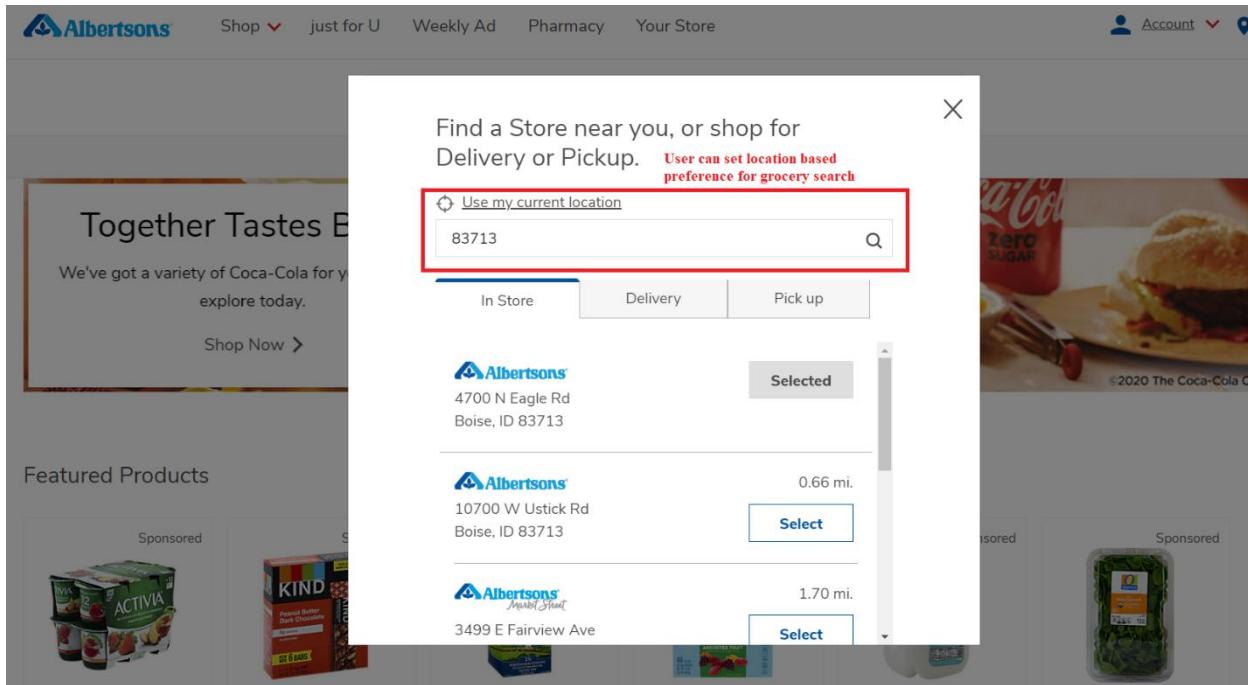
albertsons.com web server) customized according to the user preferences.



(<https://www.albertsons.com/> (for a particular user)).



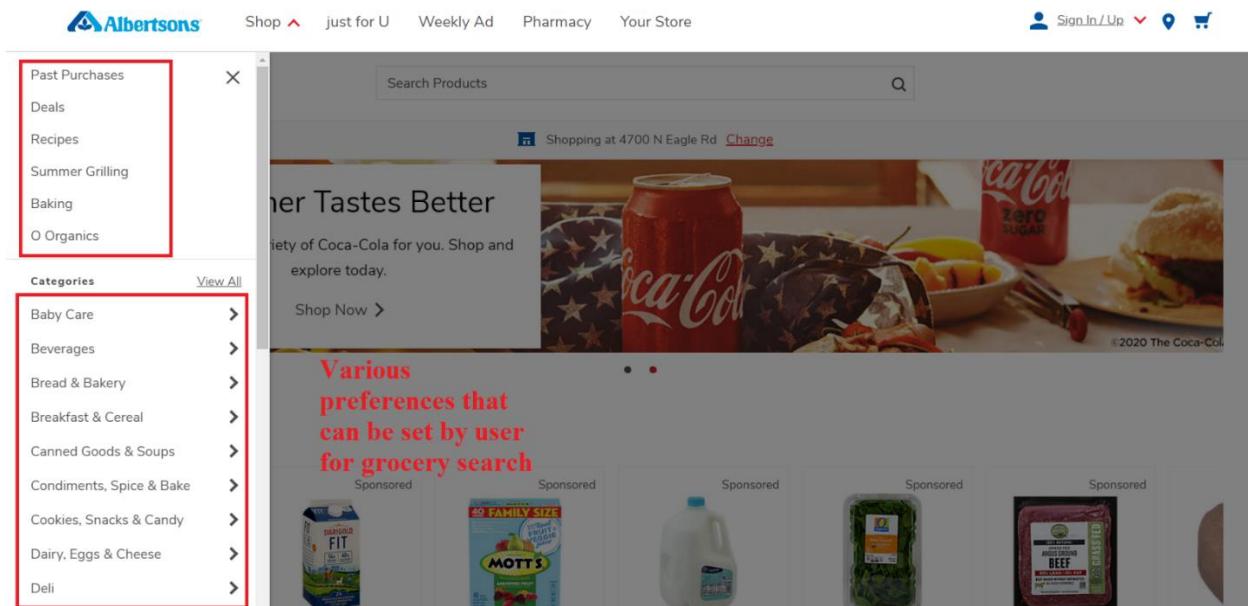
(<https://www.albertsons.com/> (for a particular user)).



The screenshot shows the Albertsons website with a search overlay. The overlay has a red border and contains a search input field with the placeholder "Use my current location" and the zip code "83713". Below the input are three buttons: "In Store", "Delivery", and "Pick up". To the right of the input field is a note: "User can set location based preference for grocery search". The overlay lists three store locations:

- Albertsons** 4700 N Eagle Rd Boise, ID 83713 **Selected**
- Albertsons** 10700 W Ustick Rd Boise, ID 83713 **Select** 0.66 mi.
- Albertsons Market Street** 3499 E Fairview Ave **Select** 1.70 mi.

(<https://www.albertsons.com/> (for a particular user)).



The screenshot shows the Albertsons website with a sidebar on the left containing a red box around a list of user preferences:

- Past Purchases
- Deals
- Recipes
- Summer Grilling
- Baking
- O Organics

Below this is another red box around a list of categories:

- Baby Care
- Beverages
- Bread & Bakery
- Breakfast & Cereal
- Canned Goods & Soups
- Condiments, Spice & Bake
- Cookies, Snacks & Candy
- Dairy, Eggs & Cheese
- Deli

The main content area has a red box around the text: "Various preferences that can be set by user for grocery search". The overlay from the previous screenshot is also visible.

(<https://www.albertsons.com/> (for a particular user)).

Search Products

Account

Shopping at 4700 N Eagle Rd  Change

Aisles Wine, Beer & Spirits Beer

Beer (654)

Filters [Clear All](#)

Deals

Department

< All Wine, Beer & Spirits [Beer \(654\)](#)

- Domestic Beer (118)
- Imported Beer (67)
- Spiked Seltzers (57)
- Craft Beer (309)
- Flavored Malt Beverages (66)
- Cider (30)

**Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz.**  
(\$0.12 / Fl.oz)  
On Sale Now  
\$32.99 ~~\$33.99~~

**Mikes Hard Beverage Cool Hard Refreshing Lemonade Bottle - 6-11.2 Fl. Oz.**  
(\$0.15 / Fl.oz)  
On Sale Now  
\$9.99 ~~\$10.49~~

**Bud Light Beer Cans - 30-12 Fl. Oz. (\$0.07 / Fl.oz)**  
On Sale Now  
\$23.99 ~~\$27.99~~

Sort (Best Match)

(<https://www.albertsons.com/> (for a particular user)).

48. The Accused Instrumentality performs the step of executing the template program (e.g., the code for the website which includes code that defines the general layout of the webpage, and defines customized information to be displayed such as a user's name, and other pieces of real-time information, such as grocery availabilities gathered from information sources using various APIs and scripts) specific to the user (e.g., the webpage is catered towards the user's search queries and displays customized content such as the user's name) using real-time information stored in the storage device (e.g., grocery availabilities will be gathered from information sources using an API and/or scripts, and stored, at least temporarily, on an albertsons.com web server and/or a user's computer) as input to the template program to generate the customized page (e.g., the grocery availabilities will be gathered and combined with a webpage template to create the entire webpage).

 Albertsons

Search Products  Search

Account Logout Location Cart

Shopping at 4700 N Eagle Rd [Change](#)

Aisles | Wine, Beer & Spirits | Beer

## Beer (654)

Filters [Clear All](#)

Deals 

Department

 [All Wine, Beer & Spirits](#)

[Beer \(654\)](#)

- [Domestic Beer \(118\)](#)
- [Imported Beer \(67\)](#)
- [Spiked Seltzers \(57\)](#)
- [Craft Beer \(309\)](#)
- [Flavored Malt Beverages \(66\)](#)
- [Cider \(30\)](#)

Sort (Best Match) 



**24 bottles**

Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz.  
(\$0.12 / Fl.oz)

On Sale Now  
\$32.99 ~~\$33.99~~



**Sponsored**

Mikes Hard Beverage Cool Hard Refreshing Lemonade Bottle - 6-11.2 Fl. Oz.  
(\$0.15 / Fl.oz)

On Sale Now  
\$9.99 ~~\$10.49~~



**Bud Light Beer Cans - 30-12 Fl. Oz. (\$0.07 / Fl.oz)**

On Sale Now  
\$23.99 ~~\$27.99~~

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a

particular user)).

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)). The code for each user's page demonstrates that the template program is varied

so that each user can receive appropriately customized pages (*e.g.*, the code for each respective page is updated/adapted to pull from different resources so that the appropriate information/data can be referenced/displayed for each user).

```

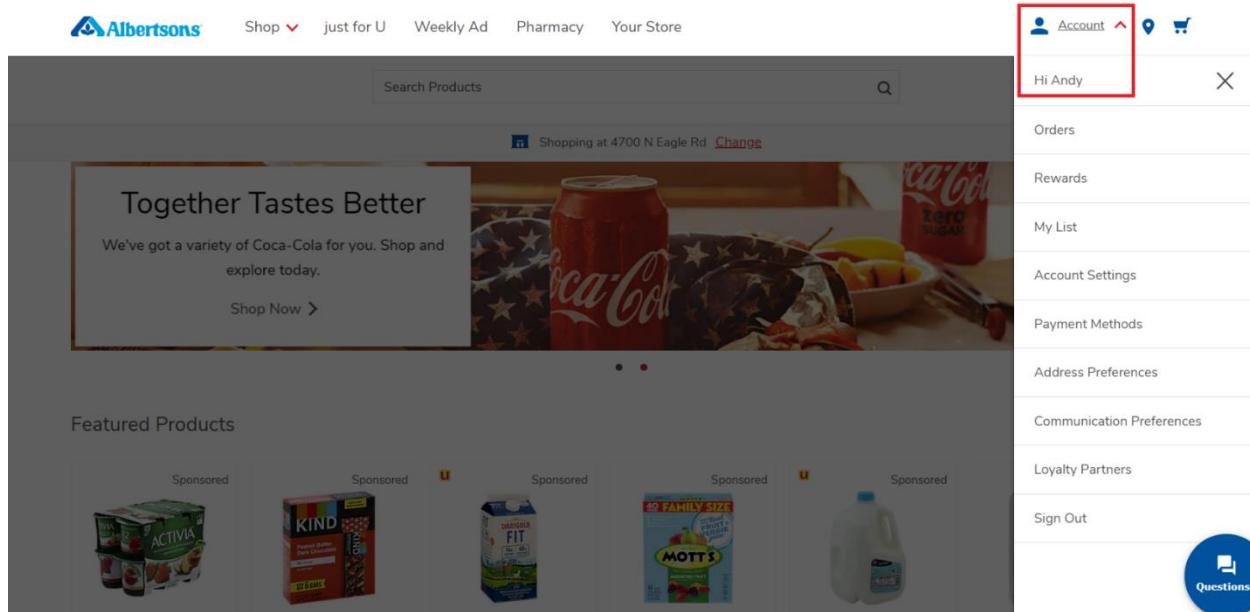
<!-->
<div class="row gutters-10 grid-wrapper">
<!-->
<!-->
<!-->
<product-item class="col-12 col-sm-6 col-md-4">
<div class="product-grid product-item-960013589">
<!-->
<!-->
<!-->
<a tabindex="-1" id="pg960013589Img" aria-hidden="true" data-bpn="960013589" href="/shop/product-details.960013589.html">...</a>
<h3>
<a class="product-title" id="pg960013589" aria-hidden="false" data-bpn="960013589" href="/shop/product-details.960013589.html">
Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz. </a> == $0
</h3>
<!-->
<p class="product-qty">...</p>
<div class="product-promo-con">...</div>
<product-coupon>...</product-coupon>
<!-->
<quantity-stepper id="pg960013589-qty">...</quantity-stepper>
<!-->
<!-->
</div>
</product-item>
<!-->
<!-->
<!-->
<product-item class="col-12 col-sm-6 col-md-4">
<div class="product-grid product-item-189450506">
<!-->
<!-->
<!-->
<div class="elevate-sponsored">Sponsored</div>
<!-->
<a tabindex="-1" id="pg189450506Img" aria-hidden="true" data-bpn="189450506" href="/shop/product-details.189450506.html">...</a>
<h3>
<a class="product-title" id="pg189450506" aria-hidden="false" data-bpn="189450506" href="/shop/product-details.189450506.html">
Mikes Hard Beverage Cool Hard Refreshing Lemonade Bottle - 6-11.2 Fl. Oz. </a>
</h3>
<!-->
<p class="product-qty">...</p>
<div class="product-promo-con">...</div>
<product-coupon>...</product-coupon>
<!-->

```

Currently available groceries information retrieved from information source

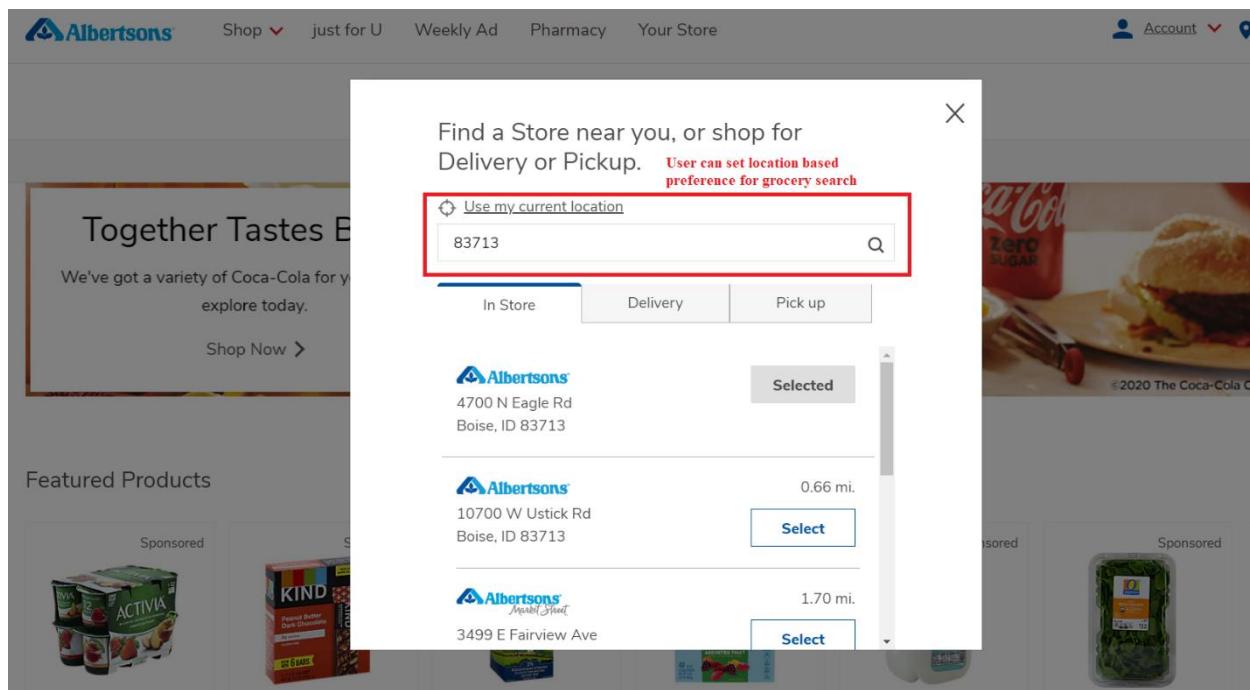
(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)).

49. The Accused Instrumentality performs the step of providing the customized page (*e.g.*, a webpage showing groceries that meet a user's search requirements and which displays user specific content such as the user's name) wherein the steps of executing and providing are performed in real-time response to the receipt of the user request in the step of receiving (*e.g.*, webpages are created and delivered in real-time as the result of a user login and/or search initiation) wherein the customized page includes at least one item of real-time information selected from the storage device (*e.g.*, current grocery availability).



The screenshot shows the Albertsons website with a user account menu open. The menu is titled 'Account' and includes options such as 'Orders', 'Rewards', 'My List', 'Account Settings', 'Payment Methods', 'Address Preferences', 'Communication Preferences', 'Loyalty Partners', and 'Sign Out'. The 'Account' option is highlighted with a red box. The 'Hi Andy' greeting is also highlighted with a red box. The rest of the page content is dimmed.

(<https://www.albertsons.com> (for a particular user)).



The screenshot shows the Albertsons website with a store locator modal open. The modal asks 'Find a Store near you, or shop for Delivery or Pickup.' It includes a 'Use my current location' checkbox and a zip code input field containing '83713', which is highlighted with a red box. Below the input field are buttons for 'In Store', 'Delivery', and 'Pick up'. The modal lists three store locations: 1. Albertsons at 4700 N Eagle Rd, Boise, ID 83713, marked as 'Selected'. 2. Albertsons at 10700 W Ustick Rd, Boise, ID 83713, marked as '0.66 mi.' and 'Select'. 3. Albertsons Market Street at 3499 E Fairview Ave, marked as '1.70 mi.' and 'Select'. The rest of the page content is dimmed.

(<https://www.albertsons.com> (for a particular user)).

(<https://www.albertsons.com> (for a particular user)).

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)).

50. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates

Plaintiff for such Defendant's infringement of the '227 patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

51. On information and belief, Defendant has had at least constructive notice of the '227 patent by operation of law, and there are no marking requirements that have not been complied with.

**V. COUNT III  
(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 7,171,414)**

52. Plaintiff incorporates the above paragraphs herein by reference.

53. On January 30, 2007, United States Patent No. 7,171,414 ("the '414 Patent") was duly and legally issued by the United States Patent and Trademark Office. The '414 Patent is titled "Dynamic Page Generator." A true and correct copy of the '414 Patent is attached hereto as Exhibit G and incorporated herein by reference.

54. Digi Portal is the assignee of all right, title and interest in the '414 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the '414 Patent. Accordingly, Digi Portal possesses the exclusive right and standing to prosecute the present action for infringement of the '414 Patent by Defendant.

55. The application leading to the '414 patent was filed September 10, 1999, which was a continuation of application no. 08/873,975, which issued as the '227 patent. (Ex. G at cover). The '414 patent was first assigned to Yahoo! Inc. (*Id.*).

56. The invention in the '414 Patent relates to the field of customized information presentation on the web; more specifically, providing customized pages that are quickly served and scalable to handle many users simultaneously. (*Id.* at col. 1:29-33).

57. The ‘414 Patent shares the identical specification as the ‘854 patent and therefore Digi Portal incorporates the background and discussion of the invention in Paragraphs 13-25. Furthermore, the prosecution history of the ‘414 patent highlights advantages and unconventional features of the claimed invention including the “storing real-time information in a shared local storage device.” An example of this limitation is when live data used to fill templates is stored local to the page server which is handling user requests for custom web pages. (Ex. I at 8; Ex. G at col. 2:11-15). Every piece of information that a person can request on a page is storables in a shared memory closely coupled to a page generator. (Ex. I at 9; Ex. G at col. 4:43-58). Unlike the prior art CGI process that required time consuming calls to other servers, storing real-time information in a shared local storage device, allows for any custom page to be built within the page server thereby eliminating the need to make requests from other servers for portions of the live data. (Ex. I at 9; Ex. G at col. 2:25-31).

58. Furthermore, as show in the prosecution history of the ‘414 Patent, it was unconventional to receive the template program from one of at least two location, the frequency of the user request for the customized page determines the retrieval location of the template program. (Ex. H at 9-10). In the prior art, the published web site was stored on a server and provided from one server location regardless of the frequency of the user requests for the web site. (*Id.*). The examiner agreed that the claim was allowable because the prior art did not disclose that in a page server coupled to a network a method of providing a customized page to a user, the customized page is customized according to the user’s preferences, and the template is received from one of at least two locations, the location determined from frequency of the user request for the customized page. (Ex. J at 3).

59. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claims 1 and 3 of the ‘414 patent in Delaware, and elsewhere in the United States, by performing actions comprising using or performing the claimed method using the <https://www.albertsons.com/> website (“Accused Instrumentality”). The Accused Instrumentality uses a page server (*e.g.*, the albertsons.com server), to provide a customized page to a user (*e.g.*, webpage which displays available groceries meeting a user’s search parameters), wherein the customized page is customized according to the user’s preferences (*e.g.*, a user’s selected location’s relevant currently available groceries).

60. On information and belief, the Accused Instrumentality performs the step of real-time information from information sources (*e.g.*, currently available groceries obtained from various information sources such as a multitude of databases) and stores them in a shared local storage device (*e.g.*, currently available groceries will be pulled from an information source and stored, at least temporarily, on the albertsons.com web/API server and/or a user’s computer). As shown below, albertsons.com uses an API and or script to gather grocery information from information source in real time.

```

<!-->
<div class="row gutters-10 grid-wrapper">
<!-->
<!-->
<!-->
<product-item class="col-12 col-sm-6 col-md-4">
<div class="product-grid product-item-960013589">
<!-->
<!-->
<!-->
<a tabindex="-1" id="pg960013589Img" aria-hidden="true" data-bpn="960013589" href="/shop/product-details.960013589.html">...</a>
<h3>
  <a class="product-title" id="pg960013589" aria-hidden="false" data-bpn="960013589" href="/shop/product-details.960013589.html">
    Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz. </a> == $0
</h3>
<!-->
<p class="product-qty">...</p>
<div class="product-promo-con">...</div>
<product-coupon>...</product-coupon>
<!-->
<quantity-stepper id="pg960013589-qty">...</quantity-stepper>
<!-->
<!-->
</div>
</product-item>
<!-->
<!-->
<!-->
<!-->
<product-item class="col-12 col-sm-6 col-md-4">
<div class="product-grid product-item-189450506">
<!-->
<!-->
<!-->
<div class="elevate-sponsored">Sponsored</div>
<!-->
<a tabindex="-1" id="pg189450506Img" aria-hidden="true" data-bpn="189450506" href="/shop/product-details.189450506.html">...</a>
<h3>
  <a class="product-title" id="pg189450506" aria-hidden="false" data-bpn="189450506" href="/shop/product-details.189450506.html">
    Mikes Hard Beverage Cool Hard Refreshing Lemonade Bottle - 6-11.2 Fl. Oz. </a>
</h3>
<!-->
<p class="product-qty">...</p>
<div class="product-promo-con">...</div>
<product-coupon>...</product-coupon>
<!-->

```

Currently available groceries information retrieved from information source

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for particular user)).

61. On information and belief, the Accused Instrumentality performs the step of storing a user-specific template program for the user in a data structure associated with a user identifier unique to the user (e.g., a template program will be created for a user's particular search so that said template program can be executed as to display the user's search results as a webpage; said template program is assigned an identifying number so it can be tied to a particular user's search query; said template program will be stored, at least temporarily on the albertsons.com server and/or user's computer). The accused instrumentality uses the template program that is unique to the user which is generated using customization information unique to the user and a global template that is generic to a plurality of users. As shown below, after a user logs in, albertsons.com can display groceries for which user has made decision to purchase. As

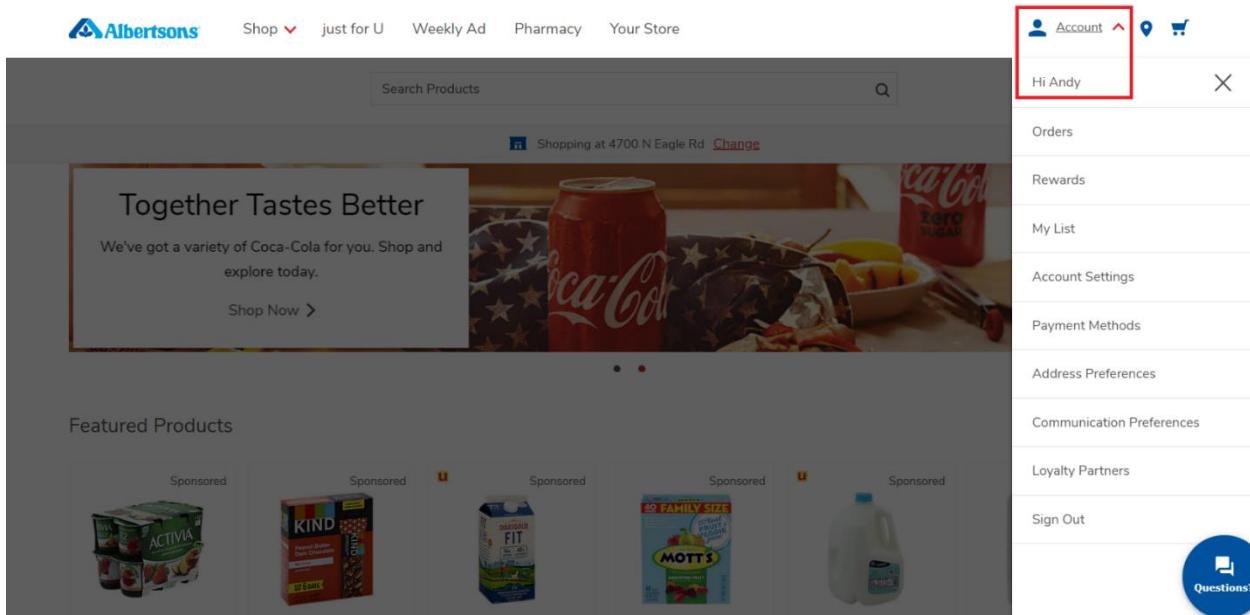
such, a user-specific template program utilized to create the displayed websites that show a user's name and user's chosen groceries. For showing these, user's grocery information must be stored in a database wherein said template program is tied to a user's log in information/account.

(<https://www.albertsons.com> (for a particular user)).

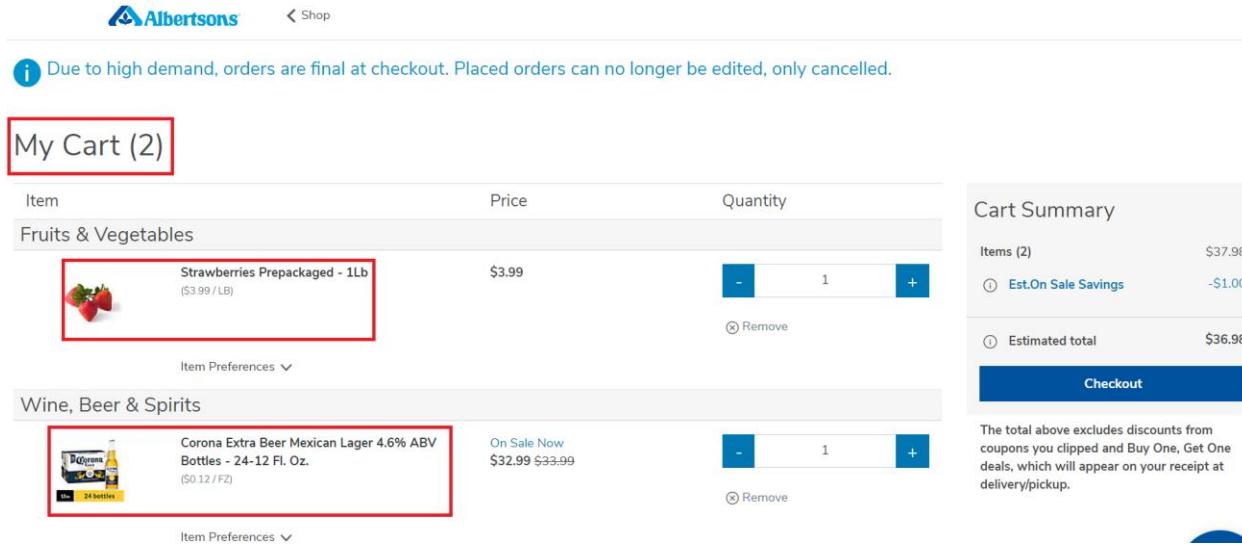
Cart Summary		
Items (2)	\$37.98	
Est. On Sale Savings	-\$1.00	
Estimated total	\$36.98	

(<https://www.albertsons.com/erums/cart/12281146?zipcode=83713> (for a particular user)).

62. Upon information and belief, the Accused Instrumentality performs the step of receiving, from the user and at the page server (e.g., albertsons.com server), a user request (e.g., user login, etc.) for a customized page (e.g., the albertsons.com server will receive a user's request for groceries information meeting their inputted parameters) and determining a user identifier associated with the request (e.g., the albertsons.com server will assign an identifying number to the user's search). The accused instrumentality uses the template program that is unique to the user which is generated using customization information unique to the user and a global template that is generic to a plurality of users. As shown below, after a user logs in, albertsons.com can display groceries for which user has made decision to purchase. As such, a user-specific template program utilized to create the displayed websites that show a user's name and user's chosen groceries. For showing these, user's groceries information must be stored in a database wherein said template program is tied to a user's log in information/account.



(E.g., <https://www.albertsons.com> (for a particular user)).



The screenshot shows the Albertsons.com shopping cart page. At the top, there is a message: "Due to high demand, orders are final at checkout. Placed orders can no longer be edited, only cancelled." Below this, the "My Cart (2)" section is displayed. The cart contains two items:

- Strawberries Prepackaged - 1LB** (\$3.99 / LB) - Price: \$3.99, Quantity: 1, with a "Remove" link.
- Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz.** (\$0.12 / FL) - Price: \$32.99 (\$33.99), On Sale Now, Quantity: 1, with a "Remove" link.

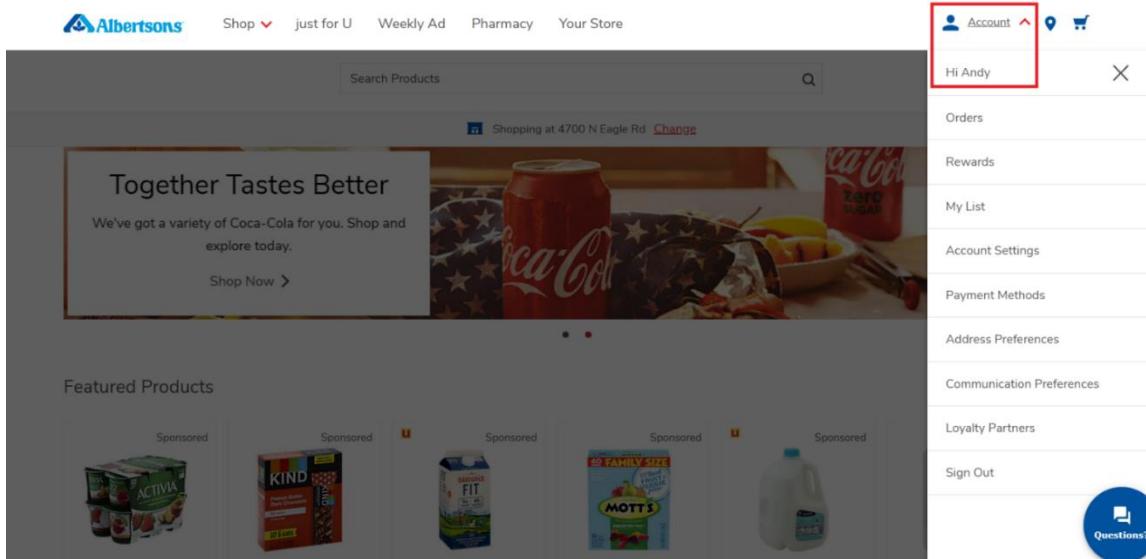
On the right, the "Cart Summary" section shows the following details:

Cart Summary	
Items (2)	\$37.98
Est. On Sale Savings	-\$1.00
Estimated total	\$36.98

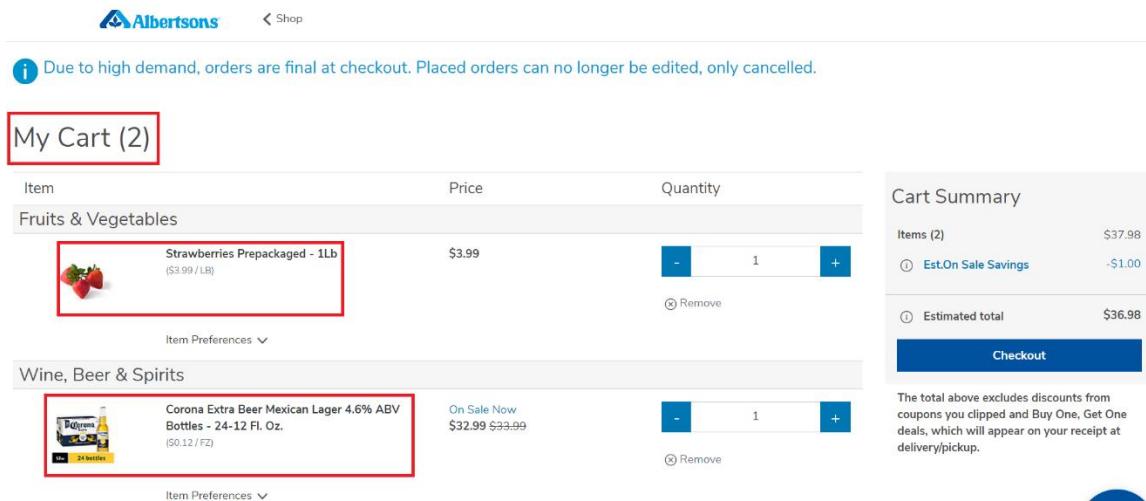
A "Checkout" button is prominently displayed. A note at the bottom states: "The total above excludes discounts from coupons you clipped and Buy One, Get One deals, which will appear on your receipt at delivery/pickup."

(E.g., <https://www.albertsons.com/erums/cart/12281146?zipcode=83713> (for a particular user)).

63. On information and belief, the Accused Instrumentality performs the step of receiving a template program specific to the user using the determined user identifier associated with the user request (e.g., the albertsons.com server will receive a template program, which is the code and data that represents the search results webpage to be delivered to a user, that is identified by a number and linked to a user and their search query). As shown below, after a user logs in, albertsons.com can display groceries for which user has made decision to purchase. As such, a user-specific template program utilized to create the displayed websites that show a user's name and user's chosen groceries. For showing these, user's groceries information must be stored in a database wherein said template program is tied to a user's log in information/account.



(E.g., <https://www.albertsons.com> (for a particular user)).



(E.g., <https://www.albertsons.com/erums/cart/12281146?zipcode=83713> (for a particular user)).

64. On information and belief, the Accused Instrumentality performs the step that the template program is received from one of at least two locations, the location determined from frequency of the user request for the customized page. Template information that is part of the template program is stored for less frequently accessed files in the main storage and for more frequently accessed files in local storage on the user's computer. Running the template program (page generation code, tiles, containers, and user data) creates the customized webpage.

65. In at least testing and usage, the accused instrumentality practices receiving a template program (e.g., software instructions and data used for rendering a particular user's search results page such as a JavaScript page) that is unique to the user (e.g., JavaScript pages will be specific to a user because the content can be modified by and/or customized for a user (e.g. after a user logs in, pages can display customized information such as a user's name, in addition to grocery search results tied to a user's inputted preferences)) and based on user configuration information (e.g., a user can customize the content of their templates and what will be rendered and displayed using said templates by entering information such as their location and by logging in to their account) the user configuration information being supplied by the user (e.g., user will have supplied their name and any other preferences tied to their account and will have input preferences applicable to a grocery search) and used to build the template program that is unique to the user (e.g., user configuration information is used to modify templates, create instructions, and designate appropriate data retrieval for rendering the user's specific page) and wherein the template program is received from one of at least two locations (e.g., the data and templates comprising a user's page may be retrieved from a main server/disk storage or other sources such as local cache, CDN server, and cookies), the location determined from the frequency of the user request for the customized page (e.g., based on the frequency at which a user logs in or accesses the albertsons.com page, the data comprising the users page may be stored at a main server or at other locations such as local cache, a CDN server, or cookies ). Webpage information can be stored in a Javascript object that is used in logic to display various available groceries, a user's name and other site logic-based conditions. The template information is stored in multiple locations: (1) at runtime, in a Javascript object with the data structure called Context Data; (2) within browser local storage; and (3) browser cookies.

```
▼<div class="modal-dialog modal-dialog--store-fulfillment" aria-hidden="false">
  ▼<div class="modal-content fulfillment-content modal-body" aria-hidden="false">
    ▷<button aria-label="Close" class="create-modal-close-icon" data-dismiss="modal" id="openFulfillmentModalButton" aria-hidden="false">...</button>
    ▷<div class="fulfillment-content__heading-wrapper" aria-hidden="false">...</div>
    ▷<button class="fulfillment-content__locator-wrapper" aria-hidden="false">...</button>
    ▼<div class="fulfillment-content__search-wrapper" aria-hidden="false">
      <input aria-describedby="searchZipError" aria-labelledby="zipcode" class="input-search fulfillment-content__search-wrapper input ng-pristine ng-valid ng-notouched" maxlength="5" type="text" placeholder="Enter ZIP Code to get started." aria-hidden="false"> == $0
    ▼<span aria-label="search Zipcode" class="svg-icon svg-icon-search-grey fulfillment-content__search-wrapper__icon" role="button" tabindex="0" aria-hidden="false">
      ::before
    </span>
  </div>
  <!-->
  <!-->
  ▷<div class="tabs-wrapper" aria-hidden="false">...</div>
  <!-->
  </div>
</div>
</ion-modal>
```

**Search input initially being stored in variable**

(<https://www.albertsons.com/> (for a particular user)).

```
(isNaN(parseInt(document.domain.replace(/\./g,"")))?document.domain.split(".").slice(-2).join("."):dc
i=a||365,o=n||!0,s=r||!1;this.writeCookieMillis(e,t,864e5*i,s,o}),parseQueryString:function(e){var t=
=e[i].split("="),r=e[i].substr(a[0].length+1);t[a[0]]=r}return console.debug("analyticsSwy.utils.par
=localStorage.getItem(analyticsSwy.CONSTS.TARGET_STORAGE);(a=a?JSON.parse(a):{})[e]=t,localStorage.s
[try{if(window.localStorage){var t=localStorage.getItem(analyticsSwy.CONSTS.TARGET_STORAGE);return t?
[analyticsSwy.utils.setTargetError("getLocalStorageItem failed")]},replaceAll:function(e,t,a){return
e.substring(0,t)+a+e.substring(t+a.length)},replaceLast:function(e,t,a){var r=e.lastIndexOf(t);return
');return encodeURIComponent(a.replace("&"," &"))},safelyReadProperty:function(e,t){var a,r=t||wind
c;if(!r[e[a]])return"";if(r[e[a]],a==e.length-1) return r||""},setTargetError:function(e){analytics
window.location.pathname.substring(1).split("/")}
```

(E.g., <https://assets.adobedtm.com/launch-ENd8a7ca47a5e943c9915bbea04a4d1b05.min.js> (for a

particular user)).

```
document.cookie.replace(t,"$1").getCookieAsJSON:function(e){var t=();try{t=JSON.parse(decodeURIComponent(this.getCookie(e)))}catch(a){}return t},writeCookieMi  
encodeURIComponent(e)+"=encodeURIComponent(t);e+=";if(0!==1){var u=Date.now();var s="; expires='+new Date(u.gettime() +i).toGMTString()';return s+";path='/",&is  
NaN(parseInt(document.domain.replace('/.').split('.')[0]))?document.domain.split('.').slice(2).join('.'):document.domain},document.cookie=s_,setCookie:function(e,t,  
i=365,s=";path='/.',o=11;this.writeCookie(millis(e,t,864e5*s,i,o)),parseQueryString:function(e){var t=();if(e==e.split(","),i=0,l=e.length,i<1){var  
a=e[i].split(","),s=e[i].substr(a[0].length-1);t[a[0]]+r}return console.debug("analyticsSwy.utils.parseQueryString EXIT: params=" + t),setLocalStorageItem:fun  
ction(a){localStorage.setItem(analyticsSwy.CONSTS.TARGET_STORAGE);a=a?JSON.parse(a):{}[e]t,localStorage.setItem(analyticsSwy.CONSTS.TARGET_STORAGE,JSON.stringify(a  
[try{if(window.localStorage){var t=localStorage.getItem(analyticsSwy.CONSTS.TARGET_STORAGE);return t?({t=JSON.parse(t),e&&"string"==typeof e?this.safelyReadProp  
[analyticsSwy.utils.setTargetError("getlocalStorageItem"),replaceAll:function(e,t,a){return e.replace(new RegExp(t,"g"),a)},replaceAt:function(e,t,a){  
e.substring(0,t)+a+e.substring(t+e.length)},replaceLast:function(e,t,a){var r=e.lastIndexOf(t);return this.replaceAt(e,r,a)},reformat:function(e){var t=this.re  
t;},return encodeURIComponent(a.replace("%","%20"))},safelyReadProperty:function(e){var a=+twindow;for(e="string"==typeof e=1||[]){e.split(" ");}e;a=0;je=1  
if(!r[e[0]])return" ";if(r[e[0]],a==e.length-1) return r||""},setTargetError:function(e){analyticsSwy.errors+=e"},targetGetBannerName:function(e){return  
window.location.pathname.substring(1).split("/")  
[0].e.match('/[^.]/').toString().replace(/\.\./,""))},analyticsSwy.storedData.SWY_SHARED_SESSION_INFO=analyticsSwy.utils.getCookieAsJSON("SWY_SHARED_SESSION_IN  
_INFO=analyticsSwy.utils.getCookieAsJSON("SWY_SHARED_PII_SESSION_INFO"),_satellite.logger.warn("tMTMA About to load. Document is"),_satellite.logger.warn("docu  
succeeded"),function(){function e(e){return e==undefined||null==e||e.length<0}function a(t){return Object.keys(t).map(function(e){return e+"["+t[e].join(")]  
[e]+t[e],});}return Object.keys(t).map(function(e){return t[e]});if(window.ttMETA!="undefined"!=typeof window.ttMETA?window.ttMETA:[],0==window.ttMETA.length  
n=t.getResponseTokens;if(e(n))return;var i=r(n).i;forEach(function(e,t,a){var r=e["activity.name"];if(r){for(var n=t+1;n<a.length;n++)r+=a[n].activity.name  
[window.ttMETA.push({CampaignName:e["activity.name"],CampaignId:e["activity.id"],RecipeName:e["experience.name"],RecipeId:e["experience.id"],OfferId:e["option  
.box"]})}}),document.addEventListener("at-request-failed",function(e){console.log("Event",e)},document.addEventListener("at-content-rendering-failed",function(  
[console.log("Event",e))},analyticsSwy.utils.safelyReadProperty("info.COMMON.houseid,analyticsSwy.storedData.SWY_SHARED_SESSION_INFO)),search: internalsea  
[forceLowerCase:10,cleanText:10,modulePath:"data-layer-manager-search-discovery/src/lib/data_elements/context_aware_data_element.js",settings:{dataLayerPath:"s  
[forceLowerCase:10,cleanText:10,storageDuration:"session",modulePath:"data-layer-manager-search-discovery/src/lib/data_elements/context_aware_data_element.js",  
(dataLayerPath:"cart.transaction.deliveryWindow")},page: thirdParty:{forceLowerCase:10,modulePath:"data-layer-manager-search-discovery/src/lib/data_elements/  
[dataLayerPath:"page.thirdParty"]},product: pfmDetail:{forceLowerCase:10,cleanText:10,modulePath:"data-layer-manager-search-discovery/src/lib/data_elements/c  
[dataLayerPath:"productInfo.pfmDetail"]},target: user: orderCount:{modulePath:"core/src/lib/dataElements/customCode.js",settings:{source:function(){return  
localStorage.getItem("abOrderCount")}}},analyticsSwy.utils.safelyReadProperty("info.SHOP.userData.orderCount,analyticsSwy.storedData.SWY_SHARED_SESSION_INFO)|  
[forceLowerCase:10,storageDuration:"pageview",modulePath:"core/src/lib/dataElements/customCode.js",settings:{source:function(){return document.domain}},cart:  
discovery/src/lib/data_elements/context_aware_data_element.js,settings:{dataLayerPath:"cart.item.n.productId"},pageFilter: premiumSlots:{forceLowerCase:10,  
discovery/src/lib/data_elements/context_aware_data_element.js,settings:{dataLayerPath:"page.pageFilter.premiumSlots"}},user: loginStatus:{defaultValue:  
"not available",forceLowerCase:10,cleanText:10,storageDuration:"pageview",modulePath:"data-layer-manager-search-discovery/src/lib/data_elements/context_aware_data_e  
[subscription:null,dataLayerPath:"user_loginStatus"},error: errorMessage:{defaultValue:"not available",forceLowerCase:10,cleanText:10,modulePath:"data-layer  
discovery/src/lib/data_elements/context_aware_data_element.js,settings:{dataLayerPath:"error.errorMessage"}},user: userType:{forceLowerCase:10,cleanText:10,  
discovery/src/lib/data_elements/context_aware_data_element.js,settings:{dataLayerPath:"user.userType"}},target: user: j4u_status:{modulePath:"core/src/lib  
[source: function(){return ""}],analyticsSwy.utils.safelyReadProperty("info.J4U.userType"),analyticsSwy.storedData.SWY_SHARED_SESSION_INFO?
```

(E.g., <https://assets.adobedtm.com/launch-ENd8a7ca47a5e943c9915bbea04a4d1b05.min.js> (for a particular user)).

(E.g., <https://www.albertsons.com/etc.clientlibs/wcax-commons/clientlibs/clientlib->

[jquery.min.e46f6e63519cf03c5120b22559093d11.js](#) (for a particular user)).

66. On information and belief, the Accused Instrumentality performs the step of executing the template program (*e.g.*, code, objects, APIs, scripts, etc.) specific to the user (*e.g.*, the code and other elements composing the webpage are created for a particular user's search query and which displays user specific content such as the user's name) using real-time information stored in the shared local storage device (*e.g.*, groceries information pulled from information source and stored at least temporarily on the albertsons.com server and/or user's computer) to generate the customized webpage (*e.g.*, grocery search results).

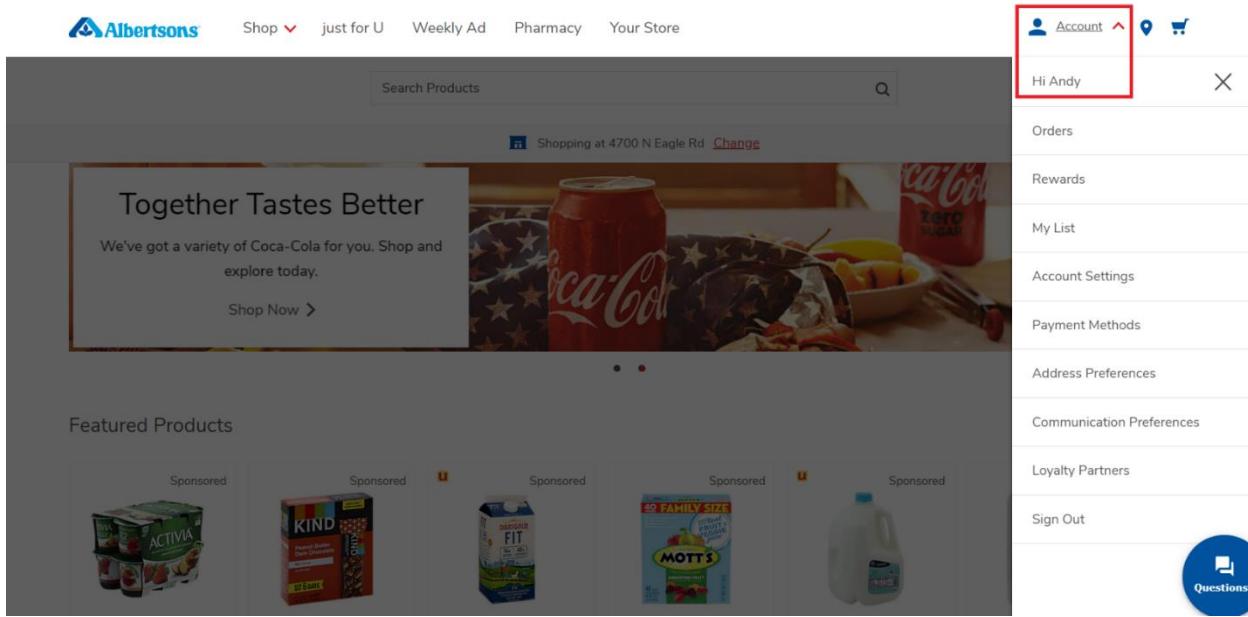
67. On information and belief, the Accused Instrumentality performs the step that the template program indicates items of interest to the user; and providing the user with the customized page (e.g., the code/scripts/etc. will create a webpage that displays grocery information related to a user's search query). Albertsons.com uses an API and or script to gather grocery information from information sources in real time.

(<https://www.albertsons.com> (for a particular user)).

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)).

68. On information and belief, the Accused Instrumentality performs the step of receiving user preferences (e.g., the search terms inputted by a user such as Preferences set by

user for groceries search) for the user, wherein the user preferences indicate the items of interest to the user and combining the user preferences with a generic template to form the template program specific to the user (e.g., the code for the entire webpage that utilizes a generic template and user's inputted search terms to create a webpage that is customized to display a user's search results).



(<https://www.albertsons.com> (for a particular user)).

Albertsons

Shopping at 4700 N Eagle Rd [Change](#)

[Aisles](#) [Wine, Beer & Spirits](#) [Beer](#)

**Beer (654)**

**Filters** [Clear All](#)

[Deals](#)

**Department**

[All Wine, Beer & Spirits](#)

**Beer (654)**

- [Domestic Beer \(118\)](#)
- [Imported Beer \(67\)](#)
- [Spiked Seltzers \(57\)](#)
- [Craft Beer \(309\)](#)
- [Flavored Malt Beverages \(66\)](#)
- [Cider \(30\)](#)

**12oz 24 bottles**

Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz.  
(\$0.12 / Fl.oz)

On Sale Now  
\$32.99 ~~\$33.99~~

**Sponsored**

Mikes Hard Beverage Cool Hard Refreshing Lemonade Bottle - 6-11.2 Fl. Oz.  
(\$0.15 / Fl.oz)

On Sale Now  
\$9.99 ~~\$10.49~~

Bud Light Beer Cans - 30-12 Fl. Oz.  
(\$0.07 / Fl.oz)

On Sale Now  
\$23.99 ~~\$27.99~~

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)).

```

▶<dynamic-grid-sort data-list-sort="bloomreach-best-match,price-low-high,most-popular" data-default-sort="bloomreach-best-match" id="dynamic-grid-sort_0" ng-version="7.2.14">...</dynamic-grid-sort>
▼<div class="product-level-4">
  ▼<div class="container-fluid d-inline-block">
    ▼<search-grid data-aisle-id="1_29_1" data-search-api="xapi" data-search-sponsored-products="true" data-default-sort="bloomreach-best-match" class="row" id="search-grid_0" ng-version="7.2.14" style="float: none;">
      <!-->
      <!-->
      <!-->
      <!-->
      ▼<div class="row gutters-10 grid-wrapper">
        <!-->
        <!-->
        <!-->
        ▼<product-item class="col-12 col-sm-6 col-md-4">
          ▼<div class="product-grid product-item-960013589">
            <!-->
            <!-->
            <!-->
            ▶<a tabindex="-1" id="pg960013589Img" aria-hidden="true" data-bpn="960013589" href="/shop/product-details.960013589.html">...</a>
            ▼<h3>
              <a class="product-title" id="pg960013589" aria-hidden="false" data-bpn="960013589" href="/shop/product-details.960013589.html">
                Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz. </a>
            </h3>
            <!-->
            ▶<p class="product-qty">...</p>
            ▶<div class="product-promo-con">...</div>
            ▶<product-coupon>...</product-coupon>
            <!-->
            ▶<quantity-stepper id="pg960013589-qty">...</quantity-stepper>
            <!-->
            <!-->
            </div>
          </product-item>
          <!-->
          <!-->
          <!-->
        ▼<product-item class="col-12 col-sm-6 col-md-4">
          ▼<div class="product-grid product-item-189450506">
            <!-->
            <!-->
            <!-->
            ▶<div class="elevate-sponsored">Sponsored</div>
            <!-->
            ▶<a tabindex="-1" id="pg189450506Img" aria-hidden="true" data-bpn="189450506" href="/shop/product-details.189450506.html">...</a>
            ▼<h3>

```

Content obtained from  
information sources,  
combined within the  
template

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)).

69. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates Plaintiff for such Defendant's infringement of the '414 patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

70. On information and belief, Defendant has had at least constructive notice of the '414 patent by operation of law, and there are no marking requirements that have not been complied with.

**VI. COUNT IV**  
**(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 7,565,359)**

71. Plaintiff incorporates the above paragraphs herein by reference.

72. On July 21, 2009, United States Patent No. 7,565,359 (“the ‘359 Patent”) was duly and legally issued by the United States Patent and Trademark Office. The ‘359 Patent is titled “Dynamic Page Generator.” A true and correct copy of the ‘359 Patent is attached hereto as Exhibit K and incorporated herein by reference.

73. Digi Portal is the assignee of all right, title and interest in the ‘359 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the ‘359 Patent. Accordingly, Digi Portal possesses the exclusive right and standing to prosecute the present action for infringement of the ‘359 Patent by Defendant.

74. The application leading to the ‘359 patent was filed January 22, 2007, as a continuation of application no. 09/393,718, which issued as the ‘414 patent, which was a continuation of application no. 08/873,975, which issued as the ‘227 patent. (Ex. K at cover). The ‘359 patent was first assigned to Yahoo! Inc. (*Id.*).

75. The invention in the ‘359 Patent relates to the field of customized information presentation on the web; more specifically, providing customized pages that are quickly served and scalable to handle many users simultaneously. (*Id.* at col. 1:22-27).

76. The ‘359 Patent shares the identical specification as the ‘854 patent and therefore Digi Portal incorporates the background and discussion of the invention in Paragraphs 13-25. Furthermore, the prosecution history of the ‘359 patent highlights advantages and the unconventional features of the claimed invention. When allowing the claims of the ‘359 patent, the examiner focused on the last two limitations of the claim stating that executing the template

program specific to the user using the real-time information stored in the shared local storage device to generate a customized page; and receiving user preferences for the user, and combining the user preferences with a generic template to form the template specific to the user, wherein the user preferences indicate the items of interest to the user in conjunction with the other limitations was not found in the prior art. (Ex. L at 8).

77. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claim 10 of the '359 patent in Delaware, and elsewhere in the United States, by performing actions comprising making and/or using the claimed computer-readable medium comprising instructions for generating customized pages that are customized according to user preferences that performs the method steps required by the claim, including without limitation through the method implemented of providing a user's Albertsons.com page ("Accused Instrumentality"). The Accused Instrumentality utilizes a computer-readable medium comprising instructions (*e.g.*, code that is executed to create webpages) for generating customized pages (*e.g.*, user-specific web pages), wherein the customized pages are customized according to user preferences (*e.g.*, web pages will be customized to show groceries meeting a user's parameters).

78. On information and belief, the Accused Instrumentality performs the step of storing the real-time information in a shared local storage device (*e.g.*, groceries information will be pulled from a storage server/database and sent to an albertsons.com local web/API server for processing and display). The accused instrumentality also practices storing a user-specific template program (*e.g.*, instructions and data used to generate a custom user webpage are stored at least temporarily) for a plurality of users, wherein each template program indicates items of interest to a user (*e.g.*, each user's template program will include instructions, code, etc. that

dictates the information that should be displayed for a user based on their search query), and is associated with a user identifier (*e.g.*, in order for a user to see information specific to them and their search, albertsons.com assigns each user search an identifying number or user id), wherein the user identifier is associated with a user request (*e.g.*, a user search will be linked to an identifying number or user id) for a customized page. As shown below, after a user logs in, albertsons.com uses an API and or script to gather grocery information from information source in real time.

```

<!-->
<div class="row gutters-10 grid-wrapper">
<!-->
<!-->
<!-->
<product-item class="col-12 col-sm-6 col-md-4">
<div class="product-grid product-item-960013589">
<!-->
<!-->
<!-->
<a tabindex="-1" id="pg960013589Img" aria-hidden="true" data-bpn="960013589" href="/shop/product-details.960013589.html"></a>
<h3>
<a class="product-title" id="pg960013589" aria-hidden="false" data-bpn="960013589" href="/shop/product-details.960013589.html">
Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz. </a> = $0
</h3>
<!-->
<p class="product-qty">...</p>
<div class="product-promo-con">...</div>
<product-coupon>...</product-coupon>
<!-->
<quantity-stepper id="pg960013589-qty">...</quantity-stepper>
<!-->
<!-->
</div>
</product-item>
<!-->
<!-->
<!-->
<product-item class="col-12 col-sm-6 col-md-4">
<div class="product-grid product-item-189450506">
<!-->
<!-->
<!-->
<div class="elevate-sponsored">Sponsored</div>
<!-->
<a tabindex="-1" id="pg189450506Img" aria-hidden="true" data-bpn="189450506" href="/shop/product-details.189450506.html"></a>
<h3>
<a class="product-title" id="pg189450506" aria-hidden="false" data-bpn="189450506" href="/shop/product-details.189450506.html">
Mikes Hard Beverage Cool Hard Refreshing Lemonade Bottle - 6-11.2 Fl. Oz. </a>
</h3>
<!-->
<p class="product-qty">...</p>
<div class="product-promo-con">...</div>
<product-coupon>...</product-coupon>
<!-->

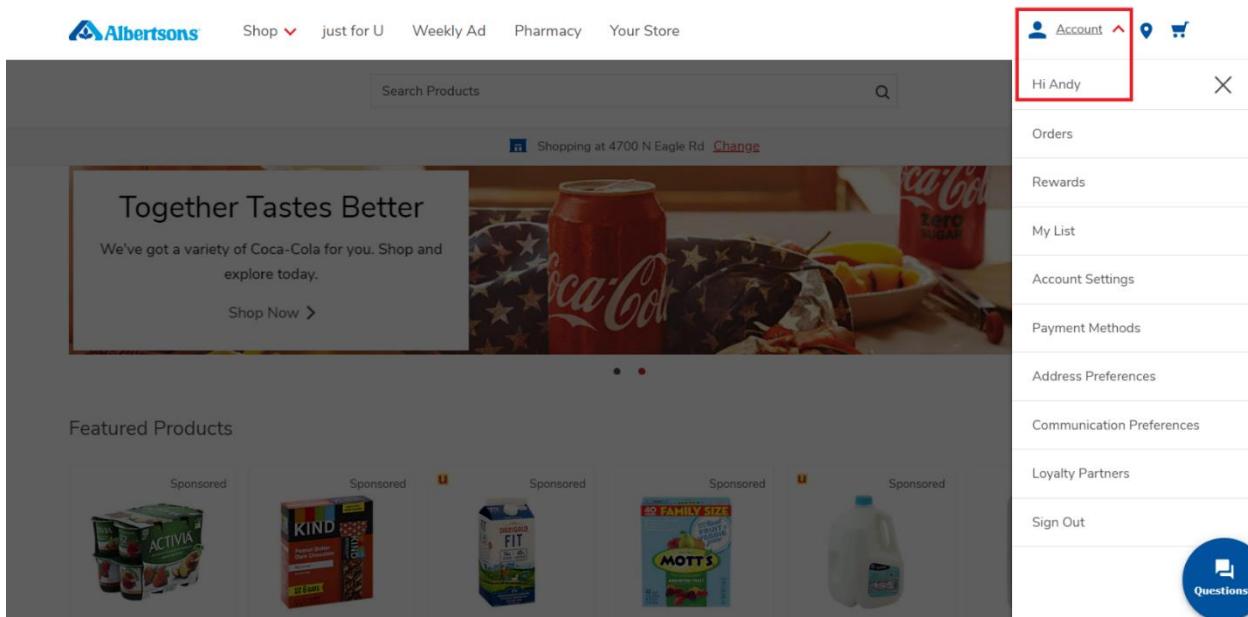
```

**Currently available groceries information retrieved from information source**

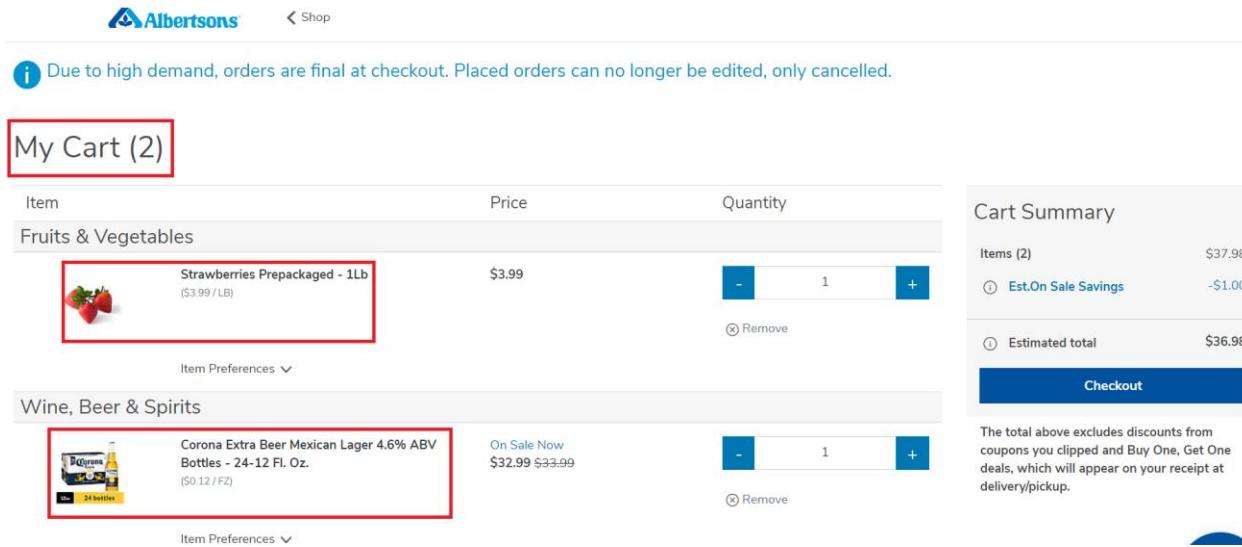
(*E.g.*, <https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)). The accused instrumentality stores a user-specific template program for the user in a data structure associated with a user identifier unique to the user (*e.g.*, a template program will be created for a user's particular search so that said template program can be

executed as to display the user's search results as a webpage; said template program is assigned an identifying number so it can be tied to a particular user's search query; said template program will be stored, at least temporarily on an albertsons.com server). The accused instrumentality uses the template program that is unique to the user which is generated using customization information unique to the user and a global template that is generic to a plurality of users.

As shown below, after a user logs in, albertsons.com can display groceries for which user has made decision to purchase. As such, a user-specific template program utilized to create the displayed websites that show a user's name and user's upcoming grocery purchase. For showing these, user's grocery information must be stored in a database wherein said template program is tied to a user's log in information/account.



(E.g., <https://www.albertsons.com> (for a particular user)).



My Cart (2)

Item	Price	Quantity
Fruits & Vegetables		
Strawberries Prepackaged - 1LB (\$3.99 / LB)	\$3.99	1
Wine, Beer & Spirits		
Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz. (\$0.12 / FZ)	On Sale Now \$32.99 \$33.99	1

Cart Summary

Items (2)	\$37.98
Est. On Sale Savings	-\$1.00
Estimated total	\$36.98

**Checkout**

The total above excludes discounts from coupons you clipped and Buy One, Get One deals, which will appear on your receipt at delivery/pickup.

(E.g., <https://www.albertsons.com> (for a particular user)).

79. On information and belief, the Accused Instrumentality performs the step of receiving a template program (e.g., code, instructions, etc. that are executed to create a user page) specific to the user using the user identifier (e.g., as explained above, in order to display pages customized for a user, each search is assigned an identifying number), wherein the template program is received from one of at least two locations (e.g., main storage at an albertsons.com server or local device storage), the location based upon a frequency of user requests for the customized page. In at least testing and usage, the accused instrumentality practices receiving a template program (e.g., software instructions and data used for rendering a particular user's search results page such as a JavaScript page) that is unique to the user (e.g., JavaScript pages will be specific to a user because the content can be modified by and/or customized for a user (e.g., after a user logs in, pages can display customized information such as a user's name, in addition to grocery search results tied to a user's inputted preferences)) and based on user configuration information (e.g., a user can customize the content of their templates and what will be rendered and displayed using said templates by entering information such as their location and by logging in to their account) the user configuration information being

supplied by the user (e.g., a user will have supplied their name and any other preferences tied to their account and will have input preferences applicable to a grocery search) and used to build the template program that is unique to the user (e.g., user configuration information is used to modify templates, create instructions, and designate appropriate data retrieval for rendering the user's specific page) and wherein the template program is received from one of at least two locations (e.g., the data and templates comprising a user's page may be retrieved from a main server/disk storage or other sources such as local cache, CDN server, and cookies), the location determined from the frequency of the user request for the customized page (e.g., based on the frequency at which a user logs in or accesses the albertsons.com page, the data comprising the user's page may be stored at a main server or at other locations such as local cache, a CDN server, or cookies). Webpage information can be stored in a Javascript object that is used in logic to display various available groceries, a user's name, and other site logic-based conditions. The template information is stored in multiple locations: (1) at runtime, in a Javascript object with the data structure called Context Data; (2) Within browser local storage; and (3) browser cookies.

**Search input initially being stored in variable**

(<https://www.albertsons.com/> (for a particular user)).

```
(isNaN(parseInt(document.domain.replace(/\./g,"")))?document.domain.split(".").slice(-2).join("."):dc
i=a||365,o=n||!0,s=r||!1;this.writeCookieMillis(e,t,864e5*i,s,o}),parseQueryString:function(e){var t
=e[i].split("="),r=e[i].substr(a[0].length+1);t[a[0]]=r}return console.debug("analyticsSwy.utils.par
a=localStorage.getItem(analyticsSwy.CONSTS.TARGET_STORAGE);(a=a)?JSON.parse(a):{}[e]=t,localStorage.s
[try{if(window.localStorage){var t=localStorage.getItem(analyticsSwy.CONSTS.TARGET_STORAGE);return t?
[analyticsSwy.utils.setTargetError("getLocalStorageItem failed")]},replaceAll:function(e,t,a){return
e.substring(0,t)+e.substring(t+a.length)},replaceLast:function(e,t,a){var r=e.lastIndexOf(t);return
');return encodeURIComponent(a.replace("&"," &"))},safelyReadProperty:function(e,t){var a,r=t||windo
c;if(!r[e[a]])return"";if(r=r[e[a]],a==e.length-1) return r||""},setTargetError:function(e){analytics
window.location.pathname.substring(1).split("/")}
```

(E.g., <https://assets.adobedtm.com/launch-ENd8a7ca47a5e943c9915bbea04a4d1b05.min.js> (for a particular user)).

(E.g., <https://assets.adobedtm.com/launch-ENd8a7ca47a5e943c9915bbea04a4d1b05.min.js> (for a particular user)).

```
),>,(jb,n,b,x),z) return x; (qc=c.event&&n.globalData1)&&qc.active++&&c.event.trigger("ajaxstart");n.type=n.type.toUpperCase();r lessData&&0===(n.contentType||"").indexOf("application/x-www-form-urlencoded")&&(n.data=n.data.replace(gc,"+")):(n=n.url.sli id&&G.replace(ic,"$1"),r=(rb.test(G)?`x26`:"?")+`_`+x3d++Hb+++r),n.url=G+ d&&(c.lastModified[G]&&x.setRequestHeader("If-Modified-Since",c.lastModified[G]),c.etag[G]&&x.setRequestHeader("If-None-Mat Content-Subtype!=!n.contentType||b.contentType)&&x.setRequestHeader("Content-Type",n.contentType);x.setRequestHeader("Accept",r ypes[0]),`+Kb+`+q`x3d0.01`;"");n.accepts["*"]);for(l in n.headers)x.setRequestHeader(l,n.headers[l]);if(n.beforeSend&&(!n.x.abort());if(S="abort",P.add(n.complete),x.done(n.success),x.fail(n.error),f=S(pb,n,b,x)){if(x.readyState=1,q&D,trigger it(function(){x.abort("timeout"),n.timeout});try{var z=1;f.send(ra,d)}catch(qb){if(z)throw qb;d(-1,qb)}}else d(-1,"No Trar son")},getScript:function(a,b){return c.get(a,void 0,b,"script")});c.each(["get","post"],function(a,b){c[b]=function(a, c,isFunction(f)&&(h||g,g=f,f=void 0),c.ajax(c.extend({url:a,type:b,dataType:h,data:f,success:g,c.isPlainObject(a)&&a})) type:"GET",dataType:"script",cache:!0,async:!1,global:!1,"throws":!0});c.fn.extend({wrapAll:function(a){var b;return this[0],b=c(a,this[0].ownerDocument).eq(0).clone(!0),this[0].parentNode&&b.insertBefore(this[0]),b.map(function(){for(var a=t end(this)),this},wrapInner:function(a){return c.isFunction(a)?this.each(function(b){c(this).wrapInner(a.call(this,b)))}:this.append(a)}),wrap:function(a){var b=c.isFunction(a);return this.each(function(d){c(this).wrapAll(b?a.call(this,d):a)}),ur ceWith(this.childNodes)}),this}});c.expr.pseudos.hidden=function(a){return!c.expr.pseudos.visible(a)}; ..visible=function(a){return!!(a.offsetWidth||a.offsetHeight||a.getClientRects().length)};c.ajaxSettings.xhr=function(){try{4},hb=c.ajaxSettings.xhr();J.cors!=!hb&&"withCredentials" in hb;J.ajax=hb!=!hb;c.ajaxTransport(function(a){var b,c;if(J.cors ':k.open(a.type,a.url,a.async,a.username,a.password),a.xhrFields)for(f in a.xhrFields)k[f]=a.xhrFields[f];a.mimeType& Type&&k.overrideMimeType(a.mimeType);a.crossDomain||d["X-Requested-With"]||d["X-Requested-With"]="XMLHttpRequest";for(f i k.onerror=k.onabort=k.onreadystatechange=null,"abort"=="a"?k.abort():"error"=="a"?number"!=typeof k.status?g(0,"error"):g(k.e||"text")||"string"!=typeof k.responseText?{binary:k.response}:{text:k.responseText}, isHeaders()))};k.onload=b();c=k.onerror=k.onabort=c:k.onreadystatechange=function(){4==k.readyState&&f("load",k);try{k.send(a.hasContent&&a.data||null)}catch(t){if(b)throw t;},abort:function(){b&&b()}});c.ajaxPrefilter(function javascript, application/javascript, application/ecmascript, application/x-ecmascript"),contents:{script:{src:'!/b(?:java|ecma)scr ext script":function(a){return c.globalEval(a,a)}},c.ajaxPrefilter("script",function(a){void 0==a.cache&&(a.cache=!1);a main}[var b,d;return{send:function(f,g){b=c("`\x3cscript\x3e").prop({charset:a.scriptCharset,src:a.url}).on("load error",d=f (E.g., https://www.albertsons.com/etc.clientlibs/wcax-commons/clientlibs/clientlib-
```

[jquery.min.e46f6e63519cf03c5120b22559093d11.js](#) (for a particular user)).

80. On information and belief, the Accused Instrumentality performs that step of executing the template program (*e.g.*, code, objects, APIs, scripts, etc.) specific to the user (*e.g.*, the code and other elements composing the webpage are created for a particular user's search query) using real-time information stored in the shared local storage device (*e.g.* groceries information pulled from information source and stored at least temporarily on an albertsons.com server and/or user's computer) to generate the customized webpage (*e.g.*, groceries search results). As shown below, albertsons.com uses an API and or script to gather grocery information from information sources in real time.

```

<!-->
<div class="row gutters-10 grid-wrapper">
<!-->
<!-->
<!-->
<product-item class="col-12 col-sm-6 col-md-4">
<div class="product-grid product-item-960013589">
<!-->
<!-->
<!-->
<a tabindex="-1" id="pg960013589Img" aria-hidden="true" data-bpn="960013589" href="/shop/product-details.960013589.html">...</a>
<h3>
  <a class="product-title" id="pg960013589" aria-hidden="false" data-bpn="960013589" href="/shop/product-details.960013589.html">
    Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz. </a> == $0
</h3>
<!-->
<p class="product-qty">...</p>
<div class="product-promo-con">...</div>
<product-coupon>...</product-coupon>
<!-->
<quantity-stepper id="pg960013589-qty">...</quantity-stepper>
<!-->
<!-->
</div>
</product-item>
<!-->
<!-->
<!-->
<product-item class="col-12 col-sm-6 col-md-4">
<div class="product-grid product-item-189450506">
<!-->
<!-->
<!-->
<div class="elevate-sponsored">Sponsored</div>
<!-->
<a tabindex="-1" id="pg189450506Img" aria-hidden="true" data-bpn="189450506" href="/shop/product-details.189450506.html">...</a>
<h3>
  <a class="product-title" id="pg189450506" aria-hidden="false" data-bpn="189450506" href="/shop/product-details.189450506.html">
    Mikes Hard Beverage Cool Hard Refreshing Lemonade Bottle - 6-11.2 Fl. Oz. </a>
</h3>
<!-->
<p class="product-qty">...</p>
<div class="product-promo-con">...</div>
<product-coupon>...</product-coupon>
<!-->

```

Currently available groceries information retrieved from information source

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)).

81. On information and belief, the Accused Instrumentality performs the step of receiving user preferences for the user (e.g., user location, groceries), and for combining the user preferences (e.g. the search terms inputted by a user such as Preferences set by user for groceries search) for the user and a template (e.g. a generic webpage template) to form a template program specific to a user (e.g. the code for the entire webpage that utilizes a generic template and user's inputted search terms to create a webpage that is customized to display a user's search results). As shown below, albertsons.com uses a generic template to define how the webpage should generally be laid out and displayed.

```

<!DOCTYPE html>
<html lang="en">
  <head>...


General template used to generate webpage



```

                </div>
              </div>
            </div>
          </div>
        </div>
      </div>
      <div class="dynamic-aisle-breadcrumb section">...

```


```

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)). As shown below, albertsons.com will then combine the template with customized data pulled based upon a user's search inputs and user login in order to create a template program executable by a user's browser, so that the customized webpage can be displayed to the user.

(<https://www.albertsons.com/> (for a particular user)).

The screenshot shows the Albertsons website interface. At the top, there is a search bar with the placeholder "Search Products" and a magnifying glass icon. To the right of the search bar are account settings (Account, Change Location, and Cart icon). Below the header, a banner displays the message "Shopping at 4700 N Eagle Rd" with a "Change" link. A navigation bar includes links for "Aisles", "Wine, Beer & Spirits", and "Beer". The main content area is titled "Beer (654)". On the left, there are filters: "Clear All", "Deals", and a "Department" dropdown menu with options like "All Wine, Beer & Spirits" and "Beer (654)". The results section displays three products:

- Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz.** (\$0.12 / Fl.oz)  
On Sale Now: \$32.99   \$33.99
- Mikes Hard Beverage Cool Hard Refreshing Lemonade Bottle - 6-11.2 Fl. Oz.** (\$0.15 / Fl.oz)  
On Sale Now: \$9.99   \$10.49
- Bud Light Beer Cans - 30-12 Fl. Oz. (\$0.07 / Fl.oz)**  
On Sale Now: \$23.99   \$27.99

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)).

```

▶<dynamic-grid-sort data-list-sort="bloomreach-best-match,price-low-high,most-popular" data-default-sort="bloomreach-best-match" id="dynamic-grid-sort_0" ng-version="7.2.14">...</dynamic-grid-sort>
▼<div class="product-level-4">
  ▼<div class="container-fluid d-inline-block">
    ▼<search-grid data-aisle-id="1_29_1" data-search-api="xapi" data-search-sponsored-products="true" data-default-sort="bloomreach-best-match" class="row" id="search-grid_0" ng-version="7.2.14" style="float: none;">
      <!-->
      <!-->
      <!-->
      <!-->
      ▼<div class="row gutters-10 grid-wrapper">
        <!-->
        <!-->
        <!-->
        ▼<product-item class="col-12 col-sm-6 col-md-4">
          ▼<div class="product-grid product-item-960013589">
            <!-->
            <!-->
            <!-->
            ▶<a tabindex="-1" id="pg960013589Img" aria-hidden="true" data-bpn="960013589" href="/shop/product-details.960013589.html">...</a>
            ▼<h3>
              <a class="product-title" id="pg960013589" aria-hidden="false" data-bpn="960013589" href="/shop/product-details.960013589.html">
                Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz. </a>
            </h3>
            <!-->
            ▶<p class="product-qty">...</p>
            ▶<div class="product-promo-con">...</div>
            ▶<product-coupon>...</product-coupon>
            <!-->
            ▶<quantity-stepper id="pg960013589-qty">...</quantity-stepper>
            <!-->
            <!-->
            </div>
          </product-item>
          <!-->
          <!-->
          <!-->
        ▼<product-item class="col-12 col-sm-6 col-md-4">
          ▼<div class="product-grid product-item-189450506">
            <!-->
            <!-->
            <!-->
            ▶<div class="elevate-sponsored">Sponsored</div>
            <!-->
            ▶<a tabindex="-1" id="pg189450506Img" aria-hidden="true" data-bpn="189450506" href="/shop/product-details.189450506.html">...</a>
            ▼<h3>

```

Content obtained from  
information sources,  
combined within the  
template

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)).

82. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates Plaintiff for such Defendant's infringement of the '359 patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

83. On information and belief, Defendant has had at least constructive notice of the '359 patent by operation of law, and there are no marking requirements that have not been complied with.

**VII. COUNT V**  
**(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 9,626,342)**

84. Plaintiff incorporates the above paragraphs herein by reference.

85. On April 18, 2017, United States Patent No. 9,626,342 (“the ‘342 Patent”) was duly and legally issued by the United States Patent and Trademark Office. The ‘342 Patent is titled “Dynamic Page Generator.” The ‘342 patent is not subject to a terminal disclaimer and its term is extended under 35 U.S.C. 154(b) by 891 days. (Ex. M). A true and correct copy of the ‘342 Patent is attached hereto as Exhibit M and incorporated herein by reference.

86. Digi Portal is the assignee of all right, title and interest in the ‘342 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the ‘342 patent. Accordingly, Digi Portal possesses the exclusive right and standing to prosecute the present action for infringement of the ‘342 patent by Defendant.

87. The application leading to the ‘342 patent was filed December 21, 2012, as a continuation of application no. 11/842,095, which was a continuation of application no. 11/656,636, which is a continuation of 09/393,718, which was a continuation of application no. 08/873,975, which issued as the ‘227 patent. (Ex. M at cover).

88. The invention in the ‘342 patent relates to the field of customized information presentation on the web; more specifically, providing customized pages that are quickly served and scalable to handle many users simultaneously. (*Id.* at col. 1:33-37).

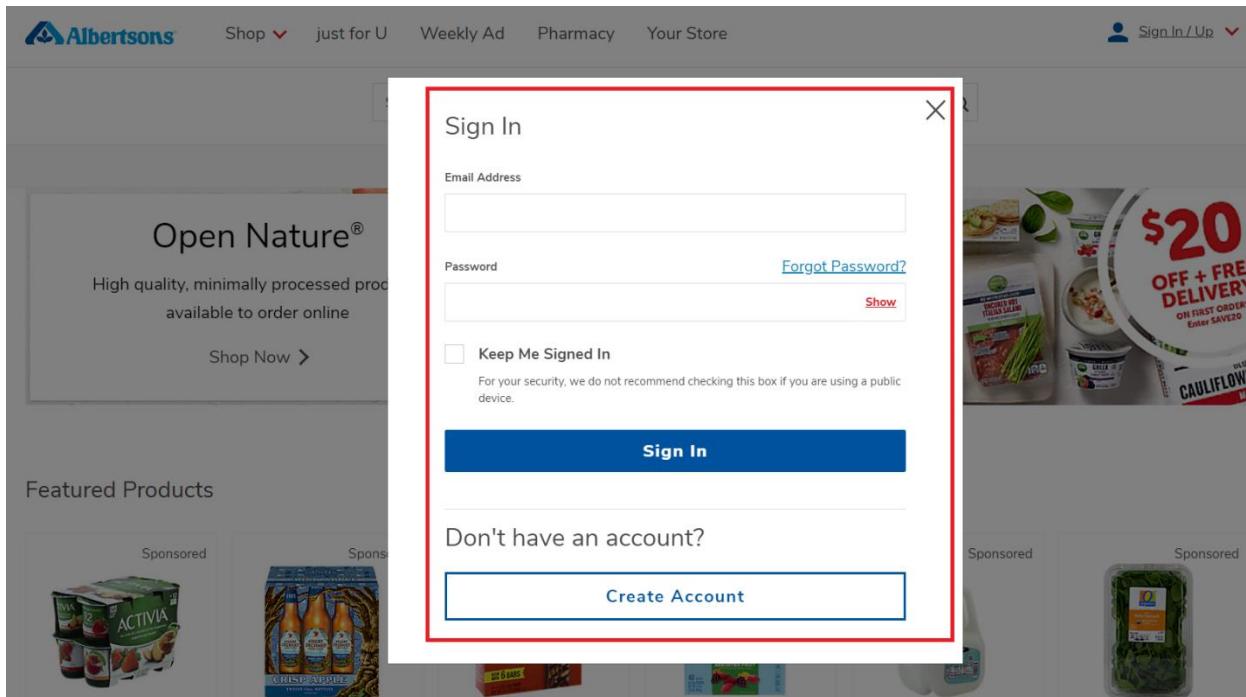
89. The ‘342 patent shares the identical specification as the ‘854 patent and therefore Digi Portal incorporates the background and discussion of the invention in Paragraphs 13-25.

90. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claim 1 of the ‘342 patent in Delaware, and elsewhere in the United States, by

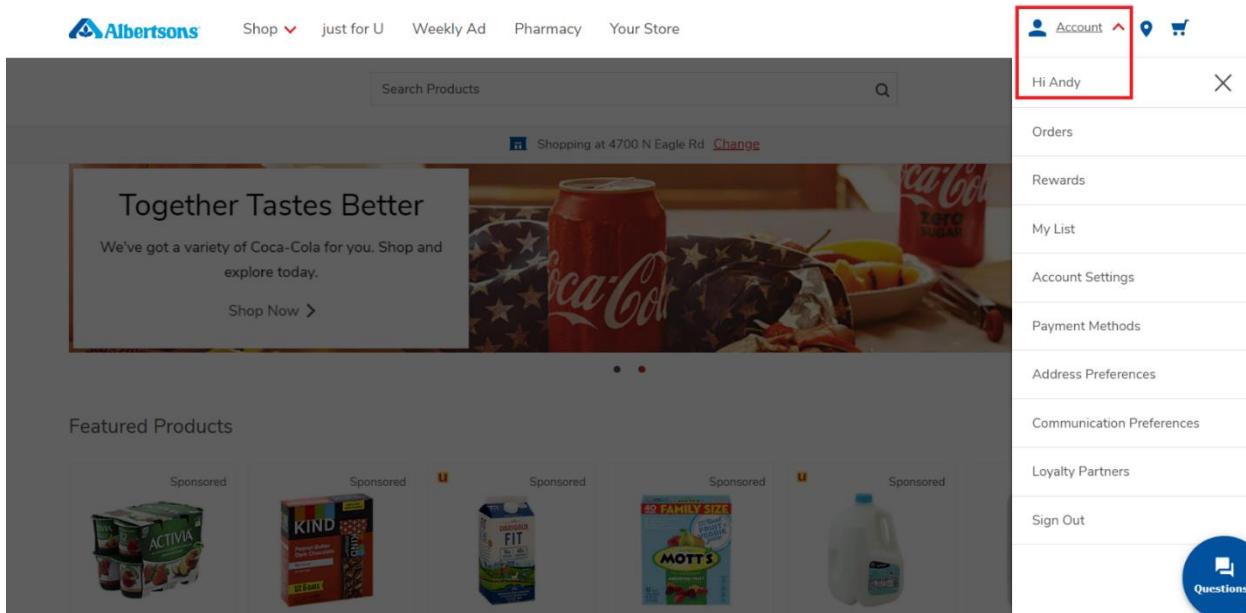
performing actions comprising performing the claimed method steps, including without limitation through the method implemented of providing a user's Albertsons.com page ("Accused Instrumentality"). The Accused Instrumentality practices the method of responding to a user request (*e.g.*, a user login request, search initiation, etc.) for a customized page (*e.g.*, a user's customized home and search pages on the [albertsons.com](http://albertsons.com)). (*E.g.*, <https://www.albertsons.com/>).

91. On information and belief, the Accused Instrumentality performs the step of generating, via at least one server computer (*e.g.*, Albertsons.com server), a template program unique to the user (*e.g.*, a template program will be unique to a user because it is composed of instruction, code, and data that is processed/executed to create a webpage customized to a user (*e.g.*, after a user logs in, the pages displayed to the user will show the user's name); Albertsons.com's server provides at least a portion of the unique template program, such as a generic template containing JavaScript and other code that executes at a user's computer to create a customized webpage), the template program being used to form the user's customized web page (*e.g.*, a webpage with customized content such as the display of a user's name, and grocery search results), wherein the template program is generated using customization information unique to the user (*e.g.*, user account preferences/data and user search parameters) and a global template that is generic to a plurality of users (*e.g.*, a generic template that dictates web page layout). The accused instrumentality combines the user customization information (*e.g.* preferences tied to a user account that is logged in, and the search terms inputted by a user such as preferences set by user for a grocery search) for the user and a generic template (*e.g.*, a generic webpage template) to form a template program specific to a user (*e.g.*, the code for the

entire webpage that utilizes a generic template in combination with preferences tied to a logged in user account and a user's inputted search terms to create a customized webpage for display).



(<https://www.albertsons.com/> (for a particular user)).



(<https://www.albertsons.com> (for a particular user)).

Albertsons

Search Products

Account

Shopping at 4700 N Eagle Rd [Change](#)

Aisles | Wine, Beer & Spirits | Beer

**Beer (654)**

Filters [Clear All](#)

Deals 

Department

[All Wine, Beer & Spirits](#)

**Beer (654)**

Domestic Beer (118)

Imported Beer (67)

Spiked Seltzers (57)

Craft Beer (309)

Flavored Malt Beverages (66)

Cider (30)

  
12oz 24 bottles

**Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz.**  
(\$0.12 / Fl.oz)

On Sale Now \$32.99 ~~\$33.99~~

  
Sponsored

**Mikes Hard Beverage Cool Hard Refreshing Lemonade Bottle - 6-11.2 Fl. Oz.**  
(\$0.15 / Fl.oz)

On Sale Now \$9.99 ~~\$10.49~~



**Bud Light Beer Cans - 30-12 Fl. Oz.**  
(\$0.07 / Fl.oz)

On Sale Now \$23.99 ~~\$27.99~~

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)).

```

<!-->
<div class="row gutters-10 grid-wrapper">
<!-->
<!-->
<!-->
<product-item class="col-12 col-sm-6 col-md-4">
<div class="product-grid product-item-960013589">
<!-->
<!-->
<!-->
<a tabindex="-1" id="pg960013589Img" aria-hidden="true" data-bpn="960013589" href="/shop/product-details.960013589.html">...</a>
<h3>
<a class="product-title" id="pg960013589" aria-hidden="false" data-bpn="960013589" href="/shop/product-details.960013589.html">
Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz. </a> = $0
</h3>
<!-->
<p class="product-qty">...</p>
<div class="product-promo-con">...</div>
<product-coupon>...</product-coupon>
<!-->
<quantity-stepper id="pg960013589-qty">...</quantity-stepper>
<!-->
<!-->
</div>
</product-item>
<!-->
<!-->
<!-->
<product-item class="col-12 col-sm-6 col-md-4">
<div class="product-grid product-item-189450506">
<!-->
<!-->
<!-->
<div class="elevate-sponsored">Sponsored</div>
<!-->
<a tabindex="-1" id="pg189450506Img" aria-hidden="true" data-bpn="189450506" href="/shop/product-details.189450506.html">...</a>
<h3>
<a class="product-title" id="pg189450506" aria-hidden="false" data-bpn="189450506" href="/shop/product-details.189450506.html">
Mikes Hard Beverage Cool Hard Refreshing Lemonade Bottle - 6-11.2 Fl. Oz. </a>
</h3>
<!-->
<p class="product-qty">...</p>
<div class="product-promo-con">...</div>
<product-coupon>...</product-coupon>
<!-->

```

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a

particular user)).

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)).

```

▶<dynamic-grid-sort data-list-sort="bloomreach-best-match,price-low-high,most-popular" data-default-sort="bloomreach-best-match" id="dynamic-grid-sort_0" ng-version="7.2.14">...</dynamic-grid-sort>
▼<div class="product-level-4">
  ▼<div class="container-fluid d-inline-block">
    ▼<search-grid data-aisle-id="1_29_1" data-search-api="xapi" data-search-sponsored-products="true" data-default-sort="bloomreach-best-match" class="row" id="search-grid_0" ng-version="7.2.14" style="float: none;">
      <!-->
      <!-->
      <!-->
      <!-->
      ▼<div class="row gutters-10 grid-wrapper">
        <!-->
        <!-->
        <!-->
        ▼<product-item class="col-12 col-sm-6 col-md-4">
          ▼<div class="product-grid product-item-960013589">
            <!-->
            <!-->
            <!-->
            ▶<a tabindex="-1" id="pg960013589Img" aria-hidden="true" data-bpn="960013589" href="/shop/product-details.960013589.html">...</a>
            ▼<h3>
              <a class="product-title" id="pg960013589" aria-hidden="false" data-bpn="960013589" href="/shop/product-details.960013589.html">
                Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz. </a>
            </h3>
            <!-->
            ▶<p class="product-qty">...</p>
            ▶<div class="product-promo-con">...</div>
            ▶<product-coupon>...</product-coupon>
            <!-->
            ▶<quantity-stepper id="pg960013589-qty">...</quantity-stepper>
            <!-->
            <!-->
          </div>
        </product-item>
        <!-->
        <!-->
        <!-->
      ▼<product-item class="col-12 col-sm-6 col-md-4">
        ▼<div class="product-grid product-item-189450506">
          <!-->
          <!-->
          <!-->
          ▶<div class="elevate-sponsored">Sponsored</div>
          <!-->
          ▶<a tabindex="-1" id="pg189450506Img" aria-hidden="true" data-bpn="189450506" href="/shop/product-details.189450506.html">...</a>
          ▼<h3>

```

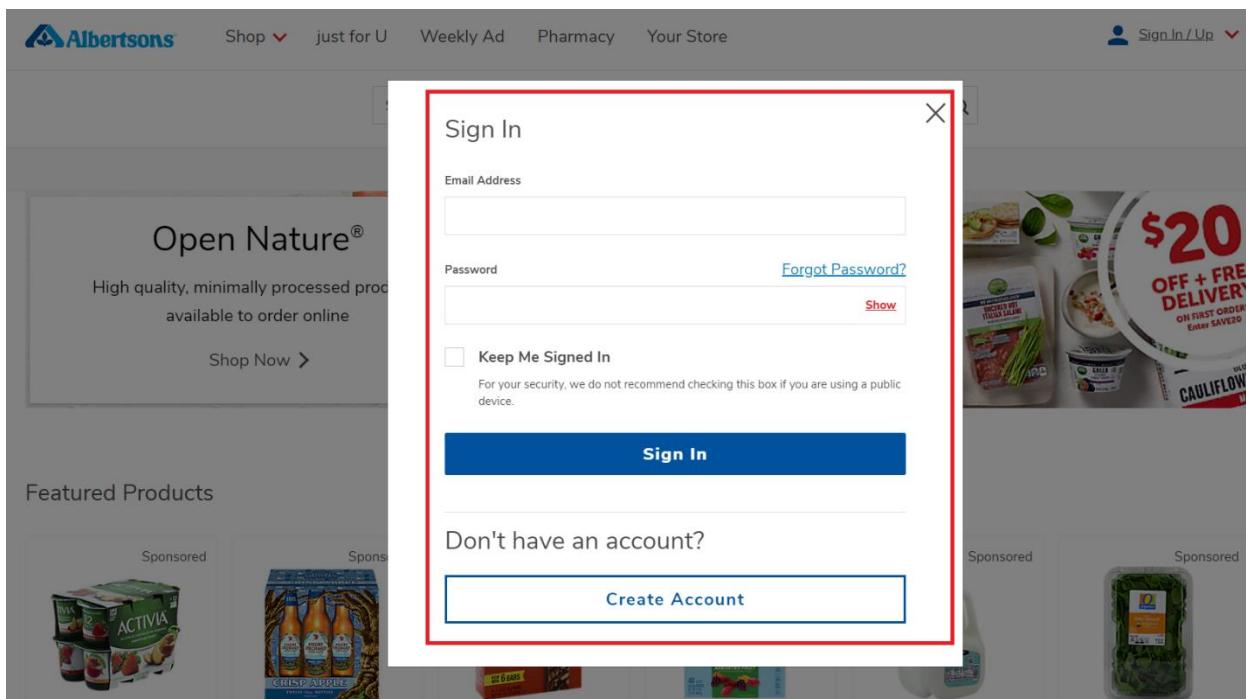
Content obtained from  
information sources,  
combined within the  
template

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)).

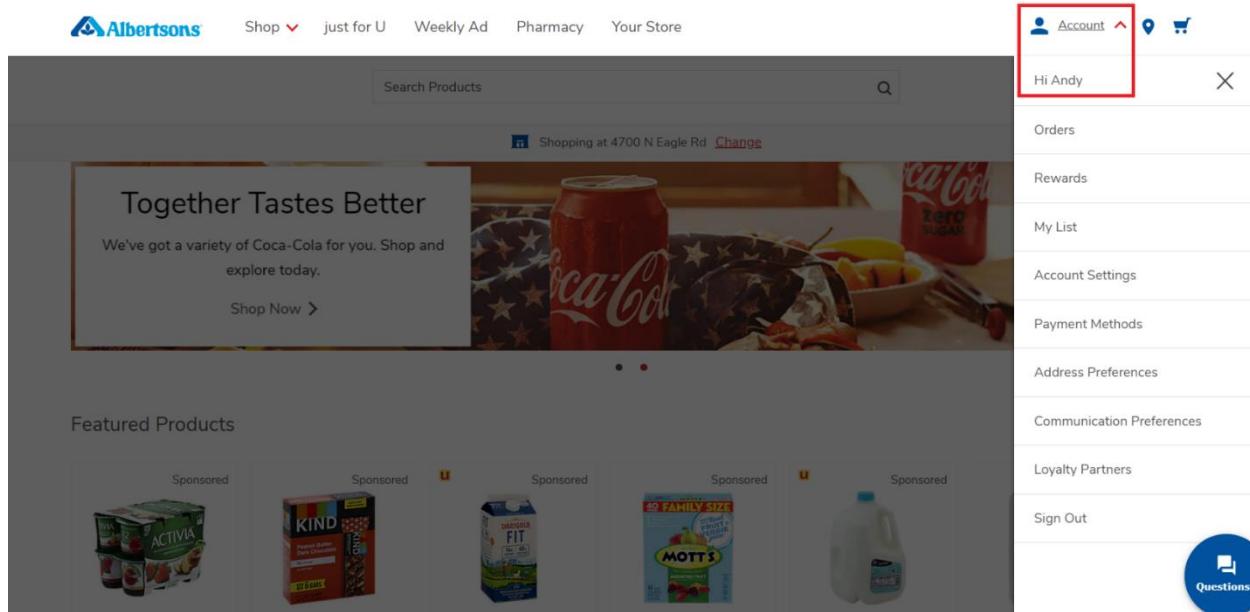
92. On information and belief, the Accused Instrumentality performs the step of executing, via the at least one server computer (*e.g.*, an albertsons.com server or Albertsons' controlled server) the user's template program (*e.g.*, a template program is composed of instructions, code and data used to create a user webpage (*e.g.*, after a user logs in, the pages displayed to the user will show the user's name); the Albertsons main server provides a generic template that can be customized to a user. Additionally, Albertsons' servers will provide content that corresponds to a user's request/preferences; thus, although the final webpage may be created on a user's computer via their browser, Albertsons servers are involved in the execution process

of the template program used to create said webpage. Furthermore, the accused instrumentality generates the user's customized web page (*e.g.*, a grocery search results page displayed with other customized info such as a user's name) with the user's customized web page including real-time information selected for the user's customized web page based on customization information unique to the user (*e.g.*, grocery availability information will be gathered based upon a user's search parameters).

93. In at least testing and usage, the accused instrumentality practices serving, via the at least one server computer (*e.g.*, an Albertsons server), the user's customized web page (*e.g.*, Albertsons servers will be involved in serving a user's customized webpage by providing the generic template program and any content called in response to modifications made to the generic template program based upon a user's search parameters and account preferences).

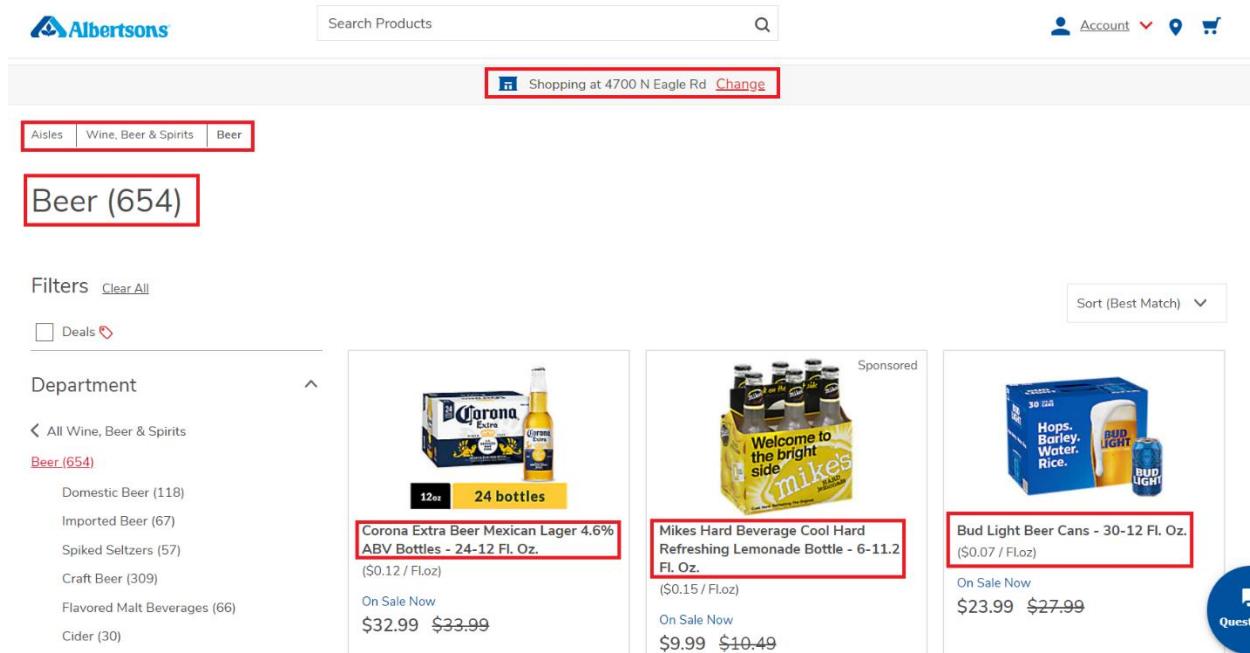


(<https://www.albertsons.com/> (for a particular user)).



The screenshot shows the Albertsons homepage. At the top, there are links for 'Shop', 'just for U', 'Weekly Ad', 'Pharmacy', and 'Your Store'. A search bar is at the top right. The main content area features a 'Together Tastes Better' promotional box for Coca-Cola, a 'Featured Products' section with various items like Activia yogurt and KIND bars, and a sidebar with account links: 'Account' (which is highlighted with a red box), 'Orders', 'Rewards', 'My List', 'Account Settings', 'Payment Methods', 'Address Preferences', 'Communication Preferences', 'Loyalty Partners', 'Sign Out', and a 'Questions?' icon.

(<https://www.albertsons.com/> (for a particular user)).



The screenshot shows the 'Beer' category page. At the top, there are links for 'Aisles', 'Wine, Beer & Spirits', and 'Beer'. The main content area shows a 'Beer (654)' category box (highlighted with a red box). Below it are 'Filters' (with 'Clear All' and 'Deals' checkboxes) and a 'Department' sidebar with categories like 'All Wine, Beer & Spirits' and 'Beer (654)'. The main content area displays three product cards: 'Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz.' (highlighted with a red box), 'Mikes Hard Beverage Cool Hard Refreshing Lemonade Bottle - 6-11.2 Fl. Oz.' (highlighted with a red box), and 'Bud Light Beer Cans - 30-12 Fl. Oz. (\$0.07 / Fl.oz.)' (highlighted with a red box). A 'Sort (Best Match)' dropdown is also visible.

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)).

```

<!-->
<div class="row gutters-10 grid-wrapper">
<!-->
<!-->
<!-->
<product-item class="col-12 col-sm-6 col-md-4">
<div class="product-grid product-item-960013589">
<!-->
<!-->
<!-->
<a tabindex="-1" id="pg960013589Img" aria-hidden="true" data-bpn="960013589" href="/shop/product-details.960013589.html">...</a>
<h3>
<a class="product-title" id="pg960013589" aria-hidden="false" data-bpn="960013589" href="/shop/product-details.960013589.html">
Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz. </a> == $0
</h3>
<!-->
<p class="product-qty">...</p>
<div class="product-promo-con">...</div>
<product-coupon>...</product-coupon>
<!-->
<quantity-stepper id="pg960013589-qty">...</quantity-stepper>
<!-->
<!-->
</div>
</product-item>
<!-->
<!-->
<!-->
<product-item class="col-12 col-sm-6 col-md-4">
<div class="product-grid product-item-189450506">
<!-->
<!-->
<!-->
<div class="elevate-sponsored">Sponsored</div>
<!-->
<a tabindex="-1" id="pg189450506Img" aria-hidden="true" data-bpn="189450506" href="/shop/product-details.189450506.html">...</a>
<h3>
<a class="product-title" id="pg189450506" aria-hidden="false" data-bpn="189450506" href="/shop/product-details.189450506.html">
Mikes Hard Beverage Cool Hard Refreshing Lemonade Bottle - 6-11.2 Fl. Oz. </a>
</h3>
<!-->
<p class="product-qty">...</p>
<div class="product-promo-con">...</div>
<product-coupon>...</product-coupon>
<!-->

```

Currently available groceries information retrieved from information source

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)).

94. On information and belief, the Accused Instrumentality performs the step of in response to receiving a subsequent request for the user's customized web page (e.g., the receipt of a user's search initiation and login) practices receiving, via the at least one server computer (e.g., an albertsons.com server) a template program (e.g., code, instructions, etc. that are executed to create a user page) that is unique to the user (e.g., a template program will be unique to a user because it is composed of instruction, code, and data that is processed/executed to create a webpage customized to a user (e.g., after a user logs in, the pages displayed to the user will show the user's name) from one of at least two locations , the location based upon a frequency of user requests for the customized page (e.g., certain components of the webpage may be retrieved from local cache, CDN servers, or cookies, as opposed to a main server, if said

components were kept in cache due to a user's frequent request for the same or similar page). In at least testing and usage, the accused instrumentality practices receiving a template program (*e.g.*, software instructions and data used for rendering a particular user's search results page such as a JavaScript page) that is unique to the user (*e.g.*, JavaScript pages will be specific to a user because the content can be modified by and/or customized for a user (*e.g.*, after a user logs in, pages can display customized information such as a user's name, in addition to grocery search results tied to a user's inputted preferences)) and based on user configuration information (*e.g.*, a user can customize the content of their templates and what will be rendered and displayed using said templates by entering information such as their location and by logging in to their account) the user configuration information being supplied by the user (*e.g.*, a user will have supplied their name and any other preferences tied to their account and will have input preferences applicable to a grocery search) and used to build the template program that is unique to the user (*e.g.*, user configuration information is used to modify templates, create instructions, and designate appropriate data retrieval for rendering the user's specific page) and wherein the template program is received from one of at least two locations (*e.g.*, the data and templates comprising a user's page may be retrieved from a main server/disk storage or other sources such as local cache, CDN server, and cookies), the location determined from the frequency of the user request for the customized page (*e.g.*, based on the frequency at which a user logs in or accesses the albertsons.com page, the data comprising the users page may be stored at a main server or at other locations such as local cache, a CDN server, or cookies). Webpage information can be stored in a Javascript object that is used in logic to display various available groceries, a User's name, and other site logic-based conditions. The template information is stored in multiple

locations: (1) at runtime, in a Javascript object with the data structure called Context Data; (2)

Within browser local storage; and (3) browser cookies.

**Search input initially being stored in variable**

(<https://www.albertsons.com/> (for a particular user)).

```
(isNaN(parseInt(document.domain.replace(/\./g,"")))?document.domain.split(".").slice(-2).join("."):dc
i=a||365,o=n||!0,s=r||!1;this.writeCookieMillis(e,t,864e5*i,s,o}),parseQueryString:function(e){var t=
=e[i].split("="),r=e[i].substr(a[0].length+1);t[a[0]]=r}return console.debug("analyticsSwy.utils.par
=localStorage.getItem(analyticsSwy.CONSTS.TARGET_STORAGE);(a=a?JSON.parse(a):{})[e]=t,localStorage.s
[try{if(window.localStorage){var t=localStorage.getItem(analyticsSwy.CONSTS.TARGET_STORAGE);return t;
[analyticsSwy.utils.setTargetError("getLocalStorageItem failed")}},replaceAll:function(e,t,a){return
e.substring(0,t)+a+e.substring(t+a.length)},replaceLast:function(e,t,a){var r=e.lastIndexOf(t);return
');return encodeURIComponent(a.replace("&"," &"))},safelyReadProperty:function(e,t){var a,r=t||wind
c;if(!r[e[a]])return"";if(r=r[e[a]],a==e.length-1) return r||""},setTargetError:function(e){analytics
window.location.pathname.substring(1).split("/")}
```

(E.g., <https://assets.adobedtm.com/launch-ENd8a7ca47a5e943c9915bbea04a4d1b05.min.js> (for a

particular user)).

```
document.cookie.replace(t,"$1").getCookieAsJSON:function(e){var t=();try{t=JSON.parse(decodeURIComponent(this.getCookie(e)))}catch(a){}return t},writeCookieMi  
encodedURIComponent(e)+"=encodeURIComponent(t);e+=";if(!0==1){var u=new Date;u.setDate(+s);u.setHours(+t);u.setMinutes(+r);u.setSeconds(+n);u.setMilliseconds(+o);u.toGMTString()}}return s="";path="/";o&  
isNaN(parseInt(document.domain.replace('/','.')))?document.domain.split('.').slice(-2).join('.'):document.domain},document.cookie=s,_setCookie:function(e,t,  
i=1|365,0|[1|0,s=r||1;this.writeCookie(millis(e,t,864e5*i,s,o)),parseQueryString:function(e){var t=();if(e==e.split("?"))  
a=[e].split("="),r=e.substr(a[0].length-1);t[a[0]]=r}return console.debug("analyticsSwy.utils.parseQueryString EXIT: params=" + t),setLocalStorageItem:  
function(a){localStorage.setItem(analyticsSwy.CONSTS.TARGET_STORAGE);(a==JSON.parse(a)){[e].setLocalStorage.setItem(analyticsSwy.CONSTS.TARGET_STORAGE,JSON.stringify(a  
[try{if(window.localStorage){var t=localStorage.getItem(analyticsSwy.CONSTS.TARGET_STORAGE);return t?({t:JSON.parse(t),e:"string"}==typeOf t?this.safelyReadProp  
[analyticsSwy.utils.setTargetError("getLocalStorage failed"))},replaceAll:function(e,t,a){return e.replace(new RegExp(t,"g"),a)},replaceAt:function(e,t,a),  
e.substring(0,t)+a+e.substring(t+length),replaceLast:function(e,t,a){var r=e.lastIndexOf(t);return this.replaceAt(e,r,a)},reformat:function(e){var t=e.length  
};return encodeURIComponent(component(e,"&"+r)),safelyReadProperty:function(e,t){var a=r||window;for(e="string"==typeOf e||e=="object"||e=="array"||e=="function"||e=="string"  
if(!r[e][a])return"";if(r[e][a],a==e.length-1) return r[e][a]},setTargetError:function(e){analyticsSwy.errors+=e+""},targetGetBannerName:function(e){return  
window.location.pathname.substring(1).split("/")  
[0]:e.match(/\.\w+/).toString().replace(/\.\w+/g)}},analyticsSwy.storedData.SWY_SHARED_SESSION_INFO=analyticsSwy.utils.getCookieAsJSON("SWY_SHARED_SESSION_IN  
_INFO=analyticsSwy.utils.getCookieAsJSON("SWY_SHARED_PII_SESSION_INFO"),_satellite.logger.warn("t=TTMETA About to load. Document is"),_satellite.logger.warn("doc  
succeeded"),function(t){function e(e){[return e==undefined||null==e||e.length<0]?function a(t){[return Object.keys(t).map(function(e){[return e+"[t[e]]").join(")  
e[t]]=t,e});}:return Object.keys(t).map(function(e){[return t[e]]})}if(window.ttMETA="undefined"!=typeOf window.ttMETA>window.ttMETA[0]==window.ttMETA.length  
n=t.documentElement.responseTokens;if(e(n))return;var i=r;nforEach(function(e,t,a){var r=e["activity.name"];if(r){var n=t+1;n<a.length;n+=r==a["activity.name"]  
[window.ttMETA.push({CampaignName:e["activity.name"],CampaignId:e["activity.id"],RecipeName:e["experience.name"],RecipeId:e["experience.id"],OfferId:e["option.  
box"]})}}),document.addEventListener("at-request-failed",function(e){[console.log("Event",e)}),document.addEventListener("at-content-rendering-failed",function(  
[console.log("Event",e)]),analyticsSwy.utils.safelyReadProperty("info.COMMON.houseId"),analyticsSwy.storedData.SWY_SHARED_SESSION_INFO}}),"search":internalSea  
[forceLowerCase:!0,cleanText:!0,modulePath:"data-layer-manager-search-discovery/src/lib/data_elements/context_aware_data_element.js",settings:{dataLayerPath:"  
[forceLowerCase:!0,cleanText:!0,storageDuration:"session",modulePath:"data-layer-manager-search-discovery/src/lib/data_elements/context_aware_data_element.js",  
[dataLayerPath:"cart.transaction.deliveryWindow"]},page:thirdParty:[forceLowerCase:!0,modulePath:"data-layer-manager-search-discovery/src/lib/data_elements/  
[dataLayerPath:"page.thirdParty"]},product:pfmDetail:[forceLowerCase:!0,cleanText:!0,modulePath:"data-layer-manager-search-discovery/src/lib/data_elements/  
[dataLayerPath:"productInfo.pfmDetail"]}],target: user: orderCount:[modulePath:"core/src/lib/dataElements/customCode.js",settings:{source:function(){[return  
localStorage.getItem("abOrderCount")]}],analyticsSwy.utils.safelyReadProperty("info.SHOP.userData.orderCount"),analyticsSwy.storedData.SWY_SHARED_SESSION_INFO}}|[0  
[forceLowerCase:!0,storageDuration:"pageview",modulePath:"core/src/lib/dataElements/customCode.js",settings:{source:function(){[return document.domain]}},cart:  
[discovery/src/lib/data_elements/context_aware_data_element.js,settings:{dataLayerPath:"cart.item.n.productID"}],pageFilter:[forceLowerCase:!0,  
[discovery/src/lib/data_elements/context_aware_data_element.js,settings:{dataLayerPath:"page.pageFilter.premiumSlots"}],user:loginStatus:[defaultValue:  
[notAvailable],forceLowerCase:!0,cleanText:!0,storageDuration:"pageview",modulePath:"data-layer-manager-search-discovery/src/lib/data_elements/context_aware_data_e  
[subscription:null,dataLayerPath:"user_loginStatus"]},error:errorMessage:[defaultValue:"not-available",forceLowerCase:!0,cleanText:!0,modulePath:"data-layer  
[discovery/src/lib/data_elements/context_aware_data_element.js,settings:{dataLayerPath:"error.errorMessage"}],user:userType:[forceLowerCase:!0,cleanText:!0,  
[discovery/src/lib/data_elements/context_aware_data_element.js,settings:{dataLayerPath:"user.userType"}],target: user: j4u status:[modulePath:"core/src/lib  
[source:function(){[return"!]==analyticsSwy.utils.safelyReadProp("info.IAU.userType")}],analyticsSwy.storedData.SWY_SHARED_FSSTION_INFO)?
```

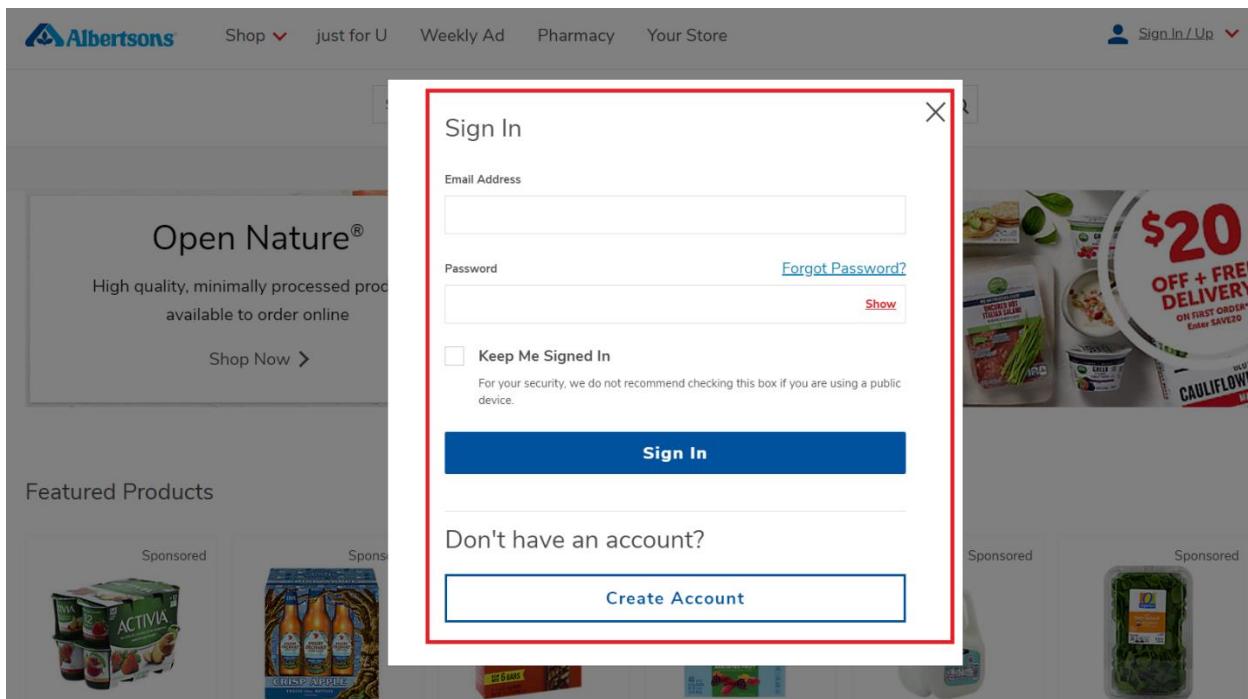
(E.g., <https://assets.adobedtm.com/launch-ENd8a7ca47a5e943c9915bbea04a4d1b05.min.js> (for a particular user)).

```
    ,>,(jb,n,b,x),z) return x; (qc=c.event&&n.globalData)&&qc.active++&&c.event.trigger("ajaxStart");n.type=n.type.toUpperCase();lessData&&0===(n.contentType||"").indexOf("application/x-www-form-urlencoded")&&(n.data=n.data.replace(gc,"+")):(r=n.url.slil.cache&&(G=G.replace(ic,"$1"),r=(rb.test(G)?`x26`:"?")+"_\`x3d`+Hb+++r),n.url=G+  
d&&(c.lastModified[G]&&x.setRequestHeader("If-Modified-Since",c.lastModified[G]),c.etag[G]&&x.setRequestHeader("If-None-Mat  
Content-Subtype&1!=n.contentType||b.contentType)&&x.setRequestHeader("Content-Type",n.contentType);x.setRequestHeader("Accept",r  
ypes[0]),"+Kb"; q\`x3d0.01,"":n.accepts["*"]):for(l in n.headers)x.setRequestHeader(l,n.headers[l]);if(n.beforeSend&&(!  
x.abort()):if(S="abort",P.add(n.complete),x.done(n.success),x.fail(n.error),f=Sa(pb,n,b,x)){if(x.readyState=1,q&&D.trigger  
t(function(){x.abort("timeout")},n.timeout));try{var z=1;f.send(ra,d).catch(qb){if(z)throw qb;d(-1,"No Tar  
son")}},getScript:function(a,b){return c.get(a,void 0,b,"script")});c.each(["get","post"],function(a,b){c[b]=function(a,  
cisFunction(f)&&(h=hl|g,g=f,f=void 0),c.ajax(c.extend({url:a,type:b,dataType:h,data:f,success:g},c.isPlainObject(a)&a))}  
type:"GET",dataType:"script",cache:!0,async:!1,global:!1,"throws":!0});c.fn.extend({wrapAll:function(a){var b;return this[  
0],b=c(a,this[0].ownerDocument).eq(0).clone(!0),this[0].parentNode&&b.insertBefore(this[0]),b.map(function(){for(var a=t  
end(this)),this,wrapInner:function(a){return c.isFunction(a)?this.each(function(b){c(this).wrapInner(a.call(this,b))):thi  
i.append(a)}},wrap:function(a){var b=c.isFunction(a);return this.each(function(d){c(this).wrapAll(b?a.call(this,d):a)}),ur  
ieWith(this.childNodes)}),this});c.expr.pseudos.hidden=function(a){return!c.expr.pseudos.visible(a)};  
..visible=function(a){return!!(a.offsetWidth||a.getClientRects().length)};c.ajaxSettings.xhr=function(){try{  
4,visible:!!(a.offsetWidth||a.getClientRects().length)},c.ajaxSettings.xhr();J.cors=!!hb&&"withCredentials" in H;J.ajax=hb=!!hb;c.ajaxTransport(function(a){var b,c;if(J.cors  
&(k.open(a.type,a.url,a.async,a.username,a.password)),a.xhrFields)for(f in a.xhrFields)k[f]=a.xhrFields[f];a.mimeType&  
&Type&&k.overrideMimeType(a.mimeType);a.crossDomain||d["X-Requested-With"]||(d["X-Requested-With"]="XMLHttpRequest");for(f i  
k.onerror=k.onabort;k.onreadystatechange=null,"abort"=="a"?k.abort():"error"=="a"?number!=typeof k.status?g(0,"error"):g(k.  
e)||"text")||"string"!=typeof k.responseText?{binary:k.response:{text:k.responseText},  
isHeaders()):{}},k.onload=b);c.k.onerror=b("error");void 0!=k.onabort?k.onabort=c:k.onreadystatechange=function(){4==k.re  
("abort");try{k.send(a.hasContent&&a.data||null)}catch(t){if(b)throw t}},abort:function(){b&&b()}},c.ajaxPrefilter(func  
"javascript", "application/javascript", "application/ecmascript", "application/x-ecmascript"},contents:{script:/\b(?:java|ecma)scr  
ext script":function(a){return c.globalEval(a,a)}},c.ajaxPrefilter("script",function(a){void 0==a.cache&&(a.cache=&1);a.  
ain});var b,d;return{send:function(f,g){b=c("|\`x3cscript|\`x3e").prop({charset:a.scriptCharset,src:a.url}).on("load error",d=fi
```

(E.g., <https://www.albertsons.com/etc.clientlibs/wcax-commons/clientlibs/clientlib-jquery.min.e46f6e63519cf03c5120b22559093d11.js> (for a particular user)).

95. On information and belief, the Accused Instrumentality performs the step of executing, via the at least one server computer (e.g., an albertsons.com server) the user's template program (e.g., a template program is composed of instructions, code and data used to create a user webpage (e.g., after a user logs in, the pages displayed to the user will show the user's name); the Albertsons main server provides a generic template that can be customized to a user, additionally, Albertsons servers will provide content that corresponds to a user's request/preferences; thus, although the final webpage may be created on a user's computer via their browser, Albertsons servers are involved in the execution process of the template program used to create said webpage) to generate the user's customized web page (e.g., a grocery search results page displayed with other customized info such as a user's name), the user's customized web page including real-time information selected for the user's customized web page based on

customization information unique to the user (e.g., grocery availability information will be gathered based upon a user's search parameters) in response to the subsequent request based on the customization information unique to the user (e.g., a web page displaying grocery search results will be created and displayed based upon a user's inputted search parameters and can be further customized based on account preferences (e.g., displaying a user's name based on their account login)).



(<https://www.albertsons.com/> (for a particular user)).

(<https://www.albertsons.com> (for a particular user)).

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)).

```

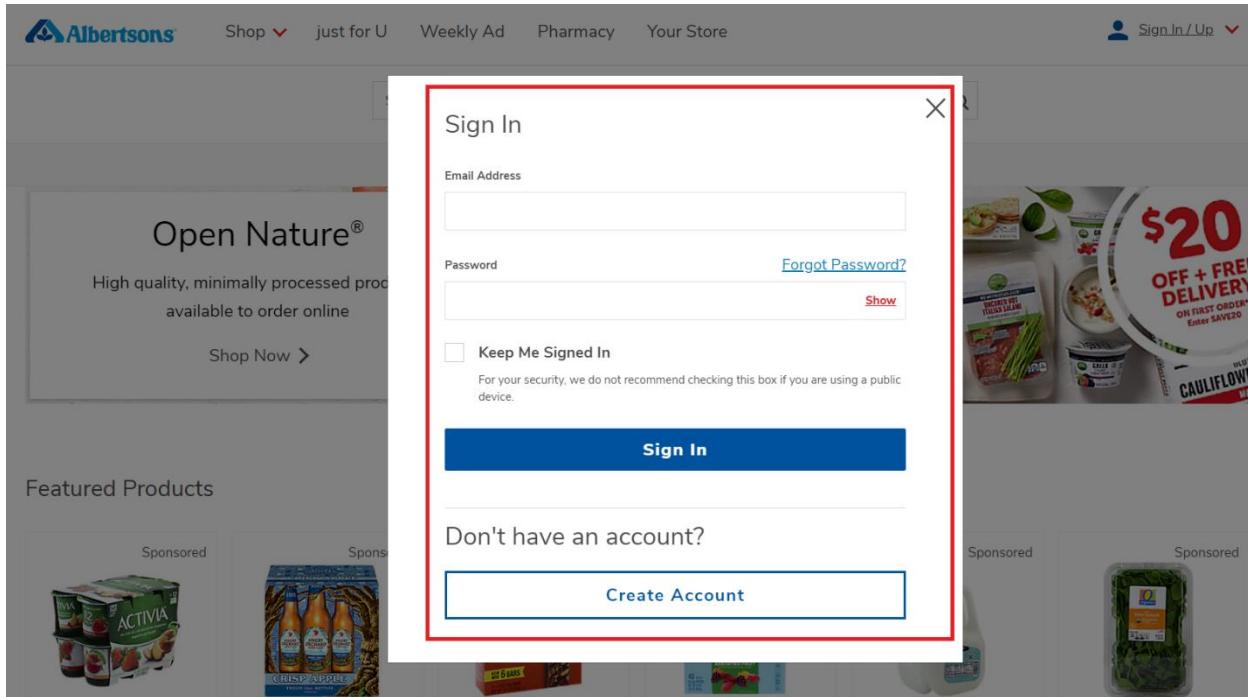
<!-->
<div class="row gutters-10 grid-wrapper">
<!-->
<!-->
<!-->
<product-item class="col-12 col-sm-6 col-md-4">
<div class="product-grid product-item-960013589">
<!-->
<!-->
<!-->
<a tabindex="-1" id="pg960013589Img" aria-hidden="true" data-bpn="960013589" href="/shop/product-details.960013589.html">...</a>
<h3>
  <a class="product-title" id="pg960013589" aria-hidden="false" data-bpn="960013589" href="/shop/product-details.960013589.html">
    Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz. </a> == $0
</h3>
<!-->
<p class="product-qty">...</p>
<div class="product-promo-con">...</div>
<product-coupon>...</product-coupon>
<!-->
<quantity-stepper id="pg960013589-qty">...</quantity-stepper>
<!-->
<!-->
</div>
</product-item>
<!-->
<!-->
<!-->
<product-item class="col-12 col-sm-6 col-md-4">
<div class="product-grid product-item-189450506">
<!-->
<!-->
<!-->
<div class="elevate-sponsored">Sponsored</div>
<!-->
<a tabindex="-1" id="pg189450506Img" aria-hidden="true" data-bpn="189450506" href="/shop/product-details.189450506.html">...</a>
<h3>
  <a class="product-title" id="pg189450506" aria-hidden="false" data-bpn="189450506" href="/shop/product-details.189450506.html">
    Mikes Hard Beverage Cool Hard Refreshing Lemonade Bottle - 6-11.2 Fl. Oz. </a>
</h3>
<!-->
<p class="product-qty">...</p>
<div class="product-promo-con">...</div>
<product-coupon>...</product-coupon>
<!-->

```

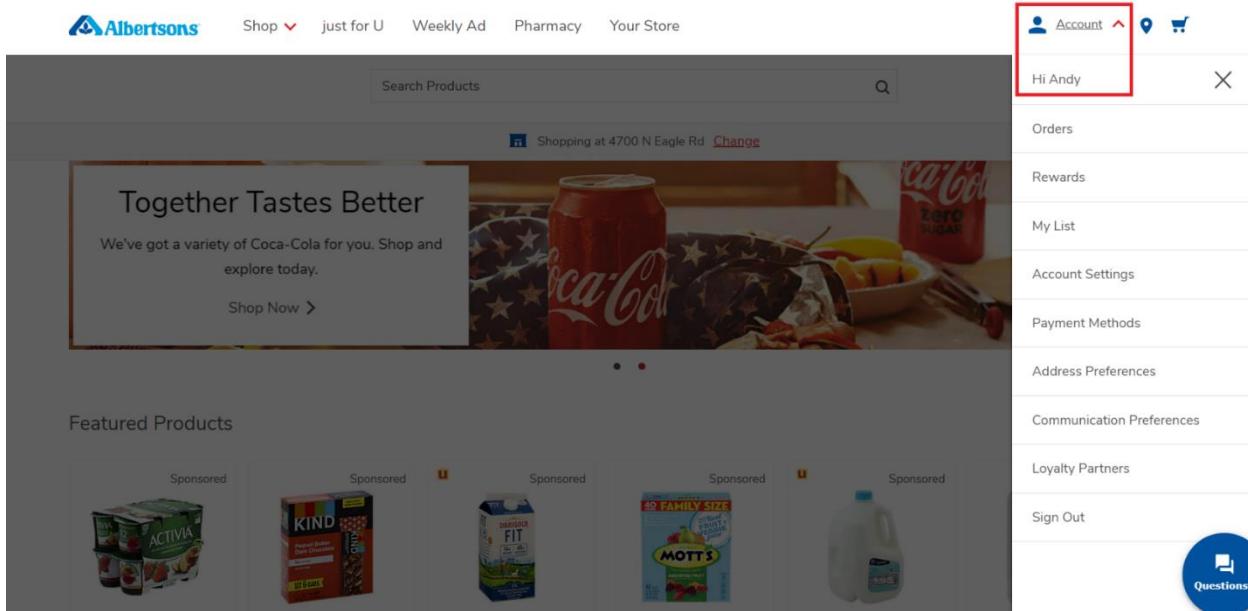
Currently available groceries information retrieved from information source

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)).

96. On information and belief, the Accused Instrumentality performs the step of serving, via the at least one server computer (e.g., an Albertsons' server), the user's customized web page (e.g., Albertsons servers will be involved in serving a user's customized webpage by providing the generic template program and any content called in response to modifications made to the generic template program based upon a user's preferences and account details).



(<https://www.albertsons.com/> (for a particular user)).



(<https://www.albertsons.com> (for a particular user)).

Albertsons

Search Products

Account ▾

Shopping at 4700 N Eagle Rd [Change](#)

Aisles Wine, Beer & Spirits Beer

Beer (654)

Filters [Clear All](#)

Deals

Department

All Wine, Beer & Spirits

[Beer \(654\)](#)

Domestic Beer (118)

Imported Beer (67)

Spiked Seltzers (57)

Craft Beer (309)

Flavored Malt Beverages (66)

Cider (30)

Sort (Best Match) ▾

**Corona Extra Beer Mexican Lager 4.6% ABV Bottles - 24-12 Fl. Oz.**  
(\$0.12 / Fl.oz)  
On Sale Now  
\$32.99 ~~\$33.99~~

**Mike's Hard Beverage Cool Hard Refreshing Lemonade Bottle - 6-11.2 Fl. Oz.**  
(\$0.15 / Fl.oz)  
On Sale Now  
\$9.99 ~~\$10.49~~

**Bud Light Beer Cans - 30-12 Fl. Oz. (\$0.07 / Fl.oz)**  
On Sale Now  
\$23.99 ~~\$27.99~~

(<https://www.albertsons.com/shop/aisles/wine-beer-spirits/beer.177.html?sort=&page=1#> (for a particular user)).

97. On information and belief, the accused instrumentality utilizes a template that further includes advertisement selection information for use in selecting one or more advertisements for inclusion in the user's customized web page in addition to the real-time information. (<https://www.albertsonscorporations.com/about-us/our-policies/privacy-policy.html> (for a particular user)).

98. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates Plaintiff for such Defendant's infringement of the '342 patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

99. Digi Portal is asserting solely method claims and therefore no marking issue arises. Regardless, on information and belief, to the extent required, all marking requirements have been complied with.

**X. JURY DEMAND**

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

**XII. PRAAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of United States Patent No. 8,352,854 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- b. Judgment that one or more claims of United States Patent No. 5,983,227 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- c. Judgment that one or more claims of United States Patent No. 7,171,414 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- d. Judgment that one or more claims of United States Patent No. 7,565,359 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- e. Judgment that one or more claims of United States Patent No. 9,626,342 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- f. Judgment that Defendant account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendant's infringing activities and other conduct complained of herein, and an accounting of all infringements and damages not presented at trial;
- g. Judgment that damages should be trebled as a result of Defendant's willful infringement;

- j. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein; and
- k. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

October 25, 2020

CHONG LAW FIRM, P.A.

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Email: chong@chonglawfirm.com

*Attorneys for Plaintiff Digi Portal LLC*